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HISTORICAL INSTITUTIONAL ABUSE INQUIRY

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being heard before:

SIR ANTHONY HART (Chairman)

MR DAVID LANE

MS GERALDINE DOHERTY

held at

Banbridge Court House

Banbridge

on Friday, 1st July 2016

commencing at 9.30 am

(Day 219)

MS CHRISTINE SMITH, QC and MR JOSEPH AIKEN appeared as
Counsel to the Inquiry.

1 Friday, 1st July 2016

2 (9.30 am)

3 (By videolink)

4 MI5 OFFICER 9004 (called)

5 CHAIRMAN: Good morning, ladies and gentlemen. Can I, as
6 always, remind anyone who has a mobile phone please to
7 ensure it is either switched off or placed on
8 "Silent"/"Vibrate", and I also must remind you that no
9 photography is permitted either here in the chamber or
10 anywhere on the Inquiry premises, and in view of the
11 nature of the precautions which were taken yesterday and
12 will be taken again today in relation to a particular
13 witness, I wish to remind everyone that a Restriction
14 Order has been made and that the particular terms of
15 that Restriction Order, which was made by me yesterday,
16 are that there should be no video or audio recording of
17 any hearing before the Inquiry save for that conducted
18 by the Inquiry itself. That means that no-one who has,
19 as is so commonly the case now, a recording facility on
20 their mobile phone or on their laptop or tablet may use
21 that facility to record what is being said here today by
22 the witness, who I anticipate will be called in
23 a moment. Of course, what the witness says will be
24 heard by everybody and the transcript will ultimately
25 show what the witness has said, but the voice of the

1 witness cannot be recorded.

2 Yes, Mr Aiken?

3 MR AIKEN: Chairman, Members of the Panel, good morning.

4 The first witness today is MI5 Officer 9004. He is
5 aware, Chairman, that you are going to take his
6 affirmation.

7 MI5 OFFICER 9004 (affirmed)

8 CHAIRMAN: Thank you very much.

9 Questions from COUNSEL TO THE INQUIRY

10 MR AIKEN: Officer 9004, your Director General has publicly
11 explained in paragraph 9 of his Inquiry witness
12 statement, if we can bring up, please, 4001, that
13 because of operational reasons in respect of
14 intelligence officers and indeed their families no doubt
15 why only the name of the Director General, presently
16 Andrew Parker, is publicly disclosed.

17 For that reason your public interaction with this
18 Inquiry involves you being referred to as "MI5 Officer
19 9004". Counsel for MI5, The Security Service,
20 Ms Murnaghan, QC, is, however, going to hand into the
21 Chairman of the Inquiry an envelope containing the
22 confirmation of your actual identity. If you just bear
23 with us for a moment while that is being done. (Pause.)
24 That letter, 9004, will be taken away today and
25 ultimately it will be placed on the Inquiry's secret

1 file that I have already publicly referred to during the
2 course of this module. That's a file that will be
3 secured at an appropriate location after this Inquiry
4 completes its work.

5 But can I just ask you to confirm, 9004, that you
6 are, in fact, the person identified in the letter that
7 the Panel Members have been looking at?

8 **A. I am.**

9 Q. And I am also going to ask Ms Murnaghan, QC, to come and
10 look at the television screen and to confirm in addition
11 to the Panel Members and myself that you are MI5 Officer
12 9004 and the person privately identified to the Inquiry.

13 MS MURNAGHAN: That's correct.

14 CHAIRMAN: Thank you, Ms Murnaghan.

15 MR AIKEN: I know you appreciate, Officer 9004, that these
16 procedures are designed to meet the operational needs of
17 MI5, but also the needs of this Public Inquiry, which
18 has set its face to ensure that matters at issue in
19 respect of Kincora are publicly examined. For the
20 avoidance of any doubt if I confirm we can see on the
21 screen Officer 9004.

22 9004, in the Inquiry chamber we are looking at the
23 documents on our electronic screens. I trust you are
24 going to have before you in hard copy the documents that
25 I am going to be calling up. If there is any difficulty

1 that arises between us, we will find a way to resolve
2 that, but all being well, what I am describing is
3 something that you will also be able to look at with us.

4 The -- there are a series of statements from MI5,
5 the first of which is provided by Andrew Parker, the
6 Director General. That's available on screen at the
7 moment, which is at KIN4001. In that statement the
8 Director General explains that he has delegated to you,
9 as the Deputy Director in charge of Northern
10 Irish-related counter-terrorism and assessment work for
11 The Security Service, the responsibility of interacting
12 with the Inquiry and assisting with its work.

13 **A. That's correct.**

14 Q. And he has directed that you were to provide the Inquiry
15 with the full cooperation of your service and to answer
16 all the questions asked of MI5 by the Inquiry fully and
17 accurately, and thereafter to produce material using the
18 search terms provided by the Inquiry, which you have
19 annexed to your main narrative statement, and then
20 further documents that have developed from the results
21 of those initial searches and their consideration by the
22 Inquiry, and to thereafter make available for
23 publication such of your documents as the Inquiry
24 considered were necessary to allow it to fulfil its
25 terms of reference and in a form that would allow that

1 to happen. Therefore he confirmed that you would
2 provide a detailed narrative statement explaining the
3 position of MI5 in respect of the matters the Inquiry is
4 considering.

5 **A. Yes.**

6 CHAIRMAN: Perhaps, Officer 9004, you could speak up
7 a little bit.

8 **A. Sorry.**

9 Q. We can just hear you, but I am not sure everybody else
10 in the room is able to. Thank you.

11 **A. I'll try to project.**

12 MR AIKEN: You were explaining to me that the speakers may
13 be or the microphone may be in the ceiling and that may
14 be causing part of the problem.

15 **A. Yes. If I'm -- if I look as if I'm looking up, it's
16 because I'm trying to address the microphone.**

17 Q. So we will try and keep your voice up as far as we can
18 and probably speak slowly so that we get everything that
19 you're saying.

20 Just to be clear, Officer 9004, you yourself had no
21 dealings with Tara, William McGrath or anything to do
22 with Kincora. In fact, you were not in The Security
23 Service at the time of the events in question, and that
24 has been one of the difficulties for your service. We
25 are looking at a period of time for which there's no

1 longer corporate memory within the service. So you are
2 relying on the content of the records and what they
3 evidence.

4 **A. That's correct.**

5 Q. Save that you have assisted the Inquiry by tracing
6 a former ASP, the Assistant Secretary Political, based
7 in HQNI in 1982 and who in turn has provided the Inquiry
8 with a witness statement.

9 **A. Yes.**

10 Q. You have provided two statements to date, 9004. The
11 first statement is of 30th May 2016 and it's at 4002 to
12 4025. Now it has 24 pages. Then I am going to refer to
13 the second statement, which is of 20th June 2016, which
14 begins at 4044 and runs through to 4081, with exhibits
15 from 4082 to 4118.

16 Just to explain the two statements, the second
17 statement is the same as the first statement save that
18 for ease of the Panel you have inserted extracts of
19 relevant documents that you have provided to the Inquiry
20 into the body of the statement at the location in the
21 paragraphs where you are talking about that particular
22 document, and there's one additional issue that you
23 cover in the second statement which was not in the
24 first.

25 **A. Yes.**

1 Q. What I am going to show you or ask you to look at at
2 your end is the first page of each of the statements.
3 So 4002 is the first page of a statement of 30th May of
4 2016 and then the first page of the statement of 20th
5 June 2016 is at 4044. We are seeing those on the screen
6 here, 9004, and I want to ask you to confirm you've
7 signed those statements and you want to adopt them as
8 part of your evidence to the Inquiry?

9 **A. I do.**

10 Q. For completeness, I mentioned that your service had got
11 in contact with and made available the ASP from 1982,
12 and his statement is at 4119 -- if we can look at that,
13 please, at 4119 -- and runs through to 4122, and then
14 with exhibits at 4123 and 413... -- through to 4134. He
15 addresses a particular issue over some documents that
16 you and I are going to speak about which The Security
17 Service has not been able to trace.

18 **A. Yes.**

19 Q. In addition to the statements which you have adopted
20 I want to ask you to confirm the following, or if you
21 don't agree with them, to explain the service's
22 position. You have provided the Inquiry with
23 unrestricted access to the files identified as relevant
24 to the Inquiry based on the issues it is considering?

25 **A. That's correct.**

1 Q. And those files have been made available and viewed by
2 the Inquiry in unredacted form?

3 **A. Yes, that's correct.**

4 Q. And to be clear, in layman's terms, the Inquiry has seen
5 the complete documents. Nothing has been covered over
6 in the material the Inquiry has looked at?

7 **A. Absolutely.**

8 Q. And you have then worked with your colleagues in what is
9 a difficult task on making available for publication by
10 the Inquiry such of the material as the Inquiry
11 considers necessary for its work, and in a form to the
12 satisfaction of the Inquiry, and to date that amounts to
13 a substantial volume of material, which amounts at the
14 moment to approximately 300 pages of your internal
15 records?

16 **A. That's correct.**

17 Q. I want to turn now to your main narrative statement,
18 9004, which begins at 4044 in the bundle and runs
19 through to 4081. What I want to do is I am just going
20 to summarise the content of that statement.

21 You cover the subject of William McGrath and MI5's
22 interest and investigation of Tara. You do that from
23 paragraphs 3 through to 18.

24 You then address the issue of Brian Gemmell, Ian
25 Cameron and the 1982 RUC Kincora investigation into

1 military intelligence from paragraphs 19 to 44.

2 You address from paragraphs 45 to 48 Brian Gemmell
3 and his subsequent confusion or conflation potentially
4 of different individuals that he's subsequently speaking
5 about.

6 You cover from paragraphs 49 to 51 Brian Gemmell's
7 applications to join The Security Service.

8 You address from paragraphs 51 to 71 Brian Gemmell's
9 claims about a MISR and the attempts to get to the
10 bottom of that.

11 From paragraphs 72 to 81 you talk about Brian
12 Gemmell's allegations in the media about MI5 blackmail
13 in relation to a homosexual compromise in respect of
14 John McKeague.

15 From paragraphs 82 through to 100 you address issues
16 relating to James Miller and claims he made in relation
17 to McGrath and Kincora and primarily relating to
18 an interview that he gave in 1987, and we looked at that
19 with your colleague in the Secret Intelligence Service
20 yesterday.

21 You then address from paragraphs 101 through to 111
22 MI5's investigation into Sir Maurice Oldfield in 1980
23 after it was revealed that he was a practising
24 homosexual.

25 You then address -- and this is the additional part

1 that's added to this statement -- an allegation against
2 Sir Howard Smith, who was the Director General of the
3 Security Service between 1978 to 1981, that was carried
4 in an Irish newspaper at one stage, and you address that
5 at paragraph 112.

6 From paragraphs 113 to 115 you then address issues
7 relating to Colin Wallace, and in the main you rely on
8 The Security Service contribution to the Rucker report
9 in 1989 and the supplementary report in 1990 in that
10 regard, and we will touch on that towards the end of
11 your evidence.

12 You then set out a section on personal details
13 relating to you, 9004, at paragraphs 116 and 17.

14 You then give at paragraphs 118 to 120 background on
15 MI5 in Northern Ireland, and at 4080 we have Annexe A,
16 which is where you set out the search terms used to
17 identify relevant material for the Inquiry's assistance.

18 Is that a fair summary of the area that you cover in
19 your narrative statement?

20 **A. That's a very full summary.**

21 Q. Now what I want to do before we get into the detail is
22 to give you the opportunity, 9004, to explain in your
23 own words a series of matters.

24 The first is about the role and nature of the
25 Security Service MI5. Can I ask you just to explain in

1 brief terms an overview of where The Security Service
2 sits and what its function is and how you carry that
3 out?

4 **A. Yes. The Security Service is a body which has been set**
5 **up in order to safeguard the UK's national security, and**
6 **we do that by collecting and analysing intelligence of**
7 **subjects that we think are posing a threat to the UK**
8 **national security. That includes matters such as**
9 **terrorism and espionage and, you know, other sundry**
10 **issues.**

11 Q. In your statement if we can look at paragraphs 118,
12 which I think are at 4079, what I would like to ask you
13 to do is to explain to the Panel from your knowledge the
14 structures that operated in Northern Ireland during the
15 1970s as far as it involved MI5.

16 You won't be aware of this, 9004, but on Wednesday
17 I was explaining in broad terms that from prior to 1972
18 there was MI5 liaison with the RUC and post 1972 you had
19 two separate structures, intelligence officers seconded
20 to the NIO and assisting as the DCI advising the
21 Secretary of State, the ASP assisting with the Army and
22 the DCI Rep Knock assisting with the RUC, and then you
23 had a separate structure of the Irish Joint Section of
24 the Security Service but also the Secret Intelligence
25 Service operating together, running their own agents for

1 their own separate purposes.

2 **A. Yes.**

3 Q. Can I just ask you to explain is that an accurate
4 description, and do you want to add more to that to
5 allow the Panel to understand what was occurring?

6 **A. It's certainly an accurate description. Of course, it**
7 **did somewhat change, you know, over time, but**
8 **fundamentally what you said is correct. With the**
9 **imposition of Direct Rule in 1972, when the Northern**
10 **Ireland Office was created, a post within the Northern**
11 **Ireland Office, which is a Director level, was created**
12 **to act as the Secretary of State's named intelligence**
13 **and security adviser. That post was the DCI post.**

14 The Security Service would normally be expected to
15 fill that role. As it happens for a variety of reasons
16 the first couple of posts that needed to be filled in
17 1972 were filled by people coming from MI6, or SIS in
18 those days, and we took over those posts. I think the
19 statutory incumbent in the DCI role was a member of MI5
20 and then (inaudible). The other post you talked about,
21 ASP, the first ASP was also a member of SIS, but then
22 the subsequent ASPs were all from MI5, and this was
23 largely because SIS had a greater number of officers who
24 were used to working in what were then quite a hostile
25 and, you know, potentially dangerous environment from

1 intelligence point of view, and whilst MI5 fulfilled
2 some of the more junior roles, there was more
3 representation from SIS in those early days.

4 The Joint Section was slightly different. It was
5 set up in 1972, run from London, and the Joint Section's
6 role was to provide intelligence to the DCI and other
7 (inaudible) parts of the agencies that might help
8 illuminate the security situation as it was developing
9 in Northern Ireland at that time, bearing in mind that
10 the Province was politically very unstable and there
11 were an awful lot of worries that the situation might
12 get out of control or it might even approach civil war.

13 Q. And as we will see, 9004, when we come to look at the
14 1982 interaction between the Service and the RUC, the
15 Irish Joint Section was not nec... -- it was doing its
16 own thing and not necessarily would other organisations
17 have been aware of that fact, and therefore when matters
18 touching on someone that you were running came to the
19 attention of the RUC, then that raised these difficult
20 issues which we are going to look at about how those
21 situations are managed --

22 **A. Yes.**

23 Q. -- to ensure that a police investigation can be
24 conducted and at the same time the issues that are of
25 importance to the Service are tried or attempted to be

1 managed.

2 **A. It might be worth me adding that our focus was very much**
3 **on the strategic and the sort of political at the top**
4 **end of the paramilitary spectrum. The police were**
5 **heavily engaged at the time in the insurgency that the**
6 **Provisional IRA and the Loyalist paramilitaries groups**
7 **were mounting. Our focus was much less tactical than**
8 **that. It was much more strategic, and some of the**
9 **agents that we were running at the time were providing**
10 **effectively political intelligence that was not directly**
11 **relevant to counter-terrorist policing work.**

12 Q. Now one of the difficult issues that arise between
13 services such as yours and public inquiries, amongst
14 others, is the NCND principle, "neither confirm nor
15 deny". I want to just allow you to explain the
16 importance of that to the Security Service in the same
17 way as the Secret Intelligence Service explained it
18 yesterday. For the benefit of the Panel can you just in
19 your own words explain the rationale behind that
20 principle and why, including in today's world, it
21 remains something of critical importance to what you are
22 doing?

23 **A. Certainly. It's been a long-standing Government policy**
24 **to adopt that principle where it might concern Northern**
25 **Ireland. In a number of different circumstances if you**

1 are asked a series of questions, even if you don't mean
2 to give anything away by denying something that isn't
3 true or confirming something that is true, over time
4 that can easily lead to someone deducing what is, in
5 fact, true, and the reason why the principle is so
6 important is that when we are in the business, as we
7 are, of trying to persuade people with access to
8 knowledge and information that can save lives and help
9 prevent terrorist atrocities, they have to be able to
10 trust us that we can keep their identity secure, and we
11 try to give them as absolute guarantee as we possibly
12 can that their identity will be protected forever.
13 Without the NCND principle that just would not be
14 possible, and therefore the reason why it is so
15 important is that if it was diminished in some way, we
16 might very quickly get into a situation where people are
17 not just prepared to trust us with their lives by
18 cooperating and providing the information that allows us
19 to do our job.

20 Q. And you will also appreciate, 900... -- 9004, that its
21 operation can be entirely counterproductive for the
22 reputation of MI5, for instance, because of it and the
23 reasons behind it. The service finds itself then
24 subject to allegations, often very serious allegations,
25 to which for the reasons you are explaining the service

1 finds itself unable to properly respond, even if what's
2 being said has no basis in fact.

3 **A. That's absolutely true, and all the time it allows**
4 **various myths and lies to go unchallenged and then they**
5 **get built upon and built upon and you end up with a**
6 **situation where some really bizarre conspiracy theories**
7 **take hold.**

8 Q. But the decision that has been taken over time and
9 remains in place which causes the complex work that has
10 to go on between a public inquiry and those holding
11 intelligence material is because of its greater benefit
12 to the effective work of your Service, as the Secret
13 Intelligence Service officer was explaining as well, and
14 the agents you run, unfortunately that sometimes ends up
15 being the position, that these allegations go on and
16 grow and remain unchallenged.

17 **A. I am afraid it is something you have to learn to live**
18 **with.**

19 Q. However, your position on behalf of the Service in
20 respect of this Inquiry is that the Service has done all
21 that it can and will continue to do all that it can to
22 try and assist the Inquiry to properly complete its
23 work?

24 **A. Absolutely.**

25 Q. Now I want to then deal with one other general matter,

1 9004, and that's about the capabilities of your systems
2 in terms of gathering material that's relevant to the
3 Inquiry. You have provided an annexe of the search
4 terms that were used, if we can turn, please, to 4080,
5 and if I can just in looking at those terms try and draw
6 this matter to your attention while you then explain
7 what you do to try and assist.

8 Like all Government departments and agencies that
9 have existed over a prolonged period of time and which
10 has personnel and systems changes and a gathering of
11 documents as part of its work, no-one can ever give
12 a 100% guarantee that every last document potentially
13 relevant to an issue has been traced, and it would be
14 impossible to do that, and that's what I understand your
15 Service to be saying.

16 So by way of an example if someone has misfiled
17 something, unless every possible file was gone through,
18 one could never say with total certainty that every last
19 relevant record has been found.

20 **A. That's correct. Of course, today of our records are**
21 **largely computerised and we can do searching, but the**
22 **period that we are talking about starting with the early**
23 **1970s, all our records are still on paper. It was**
24 **prohibitively expensive for us to consider scanning them**
25 **all in and the quality of the paper wasn't that great**

1 **either. So that means that if we are looking for**
2 **something, we have got a very sophisticated index**
3 **system. As an intelligence service our operational**
4 **effectiveness depends on our ability to get hold of**
5 **information when we need it and to know what we know,**
6 **but I can't tell you that it is 100% perfect. No system**
7 **ever is.**

8 Q. The process that has been gone through -- and we are
9 looking on the screen here -- the disclosure terms that
10 were used to try and identify where files may be that
11 would cover these issues, the process that has been
12 worked through is those files have been produced, the
13 Inquiry has considered them, and where the Inquiry then
14 has identified other places or other issues that arise
15 from the material it's looked at, the Service has gone
16 and found where possible those additional records, and
17 we have, as it were, kept going on that basis until
18 we've got to the end of the track, as we will see with
19 a couple of things that we just can't square off.

20 **A. Yes. I think it's been a (inaudible) journey. Where we**
21 **have been able to suggest other things in our knowledge**
22 **that might be relevant to the Inquiry, we have provided**
23 **those, even if you didn't ask for them, but that's fine.**

24 Q. With that I want to turn just to allow you to summarise
25 some of the key points that you are making on behalf of

1 the Security Service in your witness statement.

2 If we turn to 4044, please, which is paragraph 2 of
3 your statement, you are saying to the Inquiry that the
4 first time that The Security Service was aware of sexual
5 abuse occurring at Kincora was not until 1980.

6 **A. That's the first time where we have unambiguous**
7 **information about child sexual abuse taking place.**
8 **There are further rumours, as we will come on to discuss**
9 **no doubt later, regarding homosexuality and other bits**
10 **and pieces of information, but in terms of a specific**
11 **piece that says, "Sexual abuse taking place at Kincora",**
12 **that was the first time.**

13 Q. And that was on foot of the media allegations
14 effectively --

15 **A. Yes.**

16 Q. -- that sexual abuse had been occurring.

17 The point you make in paragraph 6 of your statement
18 at 4045 I just say very categorically:

19 "Homosexuality did not and does not equate to
20 paedophilia."

21 **A. Yes.**

22 Q. The point I take you to be making from that is just
23 because somebody would be saying to you, "X or Y is
24 a homosexual", that would not lead you to conclude, "Oh,
25 well, there are children therefore at risk"?

1 **A. I don't believe it would.**

2 Q. And the issue that we will come to look at in the
3 context of Brian Gemmell and Ian Cameron, homosexuality,
4 and the record that we will look at or the only
5 remaining document that refers to the record that
6 doesn't exist is a direction that, "We are not
7 interested in matters of homosexuality", that would have
8 been the approach of The Security Service, as
9 I understand the position that you are explaining.

10 **A. Absolutely. Our main purpose was to develop**
11 **intelligence that would help the Government manage the**
12 **crisis in Northern Ireland. We weren't interested in**
13 **the private lives of individuals.**

14 Q. And in paragraph 20 of your statement at 4054 you state
15 categorically to the Inquiry that MI5 were not
16 conducting any intelligence operations linked to
17 Kincoira.

18 **A. That's the case to the best of my knowledge.**

19 Q. And you are aware that for many years the allegation has
20 been made that you were running William McGrath and
21 through him running an intelligence-gathering operation
22 through blackmail of those who were encouraged to engage
23 in sexual activity with under 18s, and the point you are
24 making to the Inquiry is you have -- you are denying
25 that that's the position, and that there is no evidence

1 whatever that you have to suggest there was any such
2 operation ever occurring on behalf of MI5?

3 **A. I can certainly deny that we ever were involved in**
4 **an operation to exploit abuse taking place at Kincora**
5 **for intelligence purposes.**

6 Q. You take that issue a little further in paragraph 72 of
7 your statement at 4068, where you make the point to the
8 Inquiry that there is nothing in your material or of
9 which the Service is aware to suggest or support
10 allegations of The Security Service being involved in
11 some form of paedophile ring.

12 **A. Nothing whatsoever.**

13 Q. Now I want to look then with you, 9004, at some of the
14 issues that you address in your narrative statement.

15 The first relates to William McGrath and Tara. On
16 Wednesday of this week I worked through in public with
17 the Panel the combined material from the two services in
18 respect of William McGrath as to what the records
19 disclosed the services being aware of. I am going to
20 summarise what you are saying to the Inquiry in this
21 way, and if I am wrong at any stage, you stop me and
22 clarify the summary that I am giving.

23 The position in relation to Tara was that it was
24 an organisation of interest to MI5, of interest to the
25 RUC and indeed, as we saw in a 1977 document on -- both

1 on Wednesday and yesterday with the Secret Intelligence
2 Service, of ultimately the Irish Joint Section in 1977,
3 jointly operated between MI5 and MI6, a consideration
4 being given to attempting to penetrate Tara in 1977.

5 **A. That's right.**

6 Q. And in terms of trying to give a perspective of Tara,
7 I was addressing with the Secret Intelligence Service
8 officer yesterday that while it was a group of interest,
9 like many such groups were of interest to the
10 intelligence services, it was not of principal concern
11 in the way that other Protestant paramilitary
12 organisations would have been in the 1970s.

13 **A. That's true. Tara was a potential threat in that if**
14 **things went the way that the Tara leadership wanted them**
15 **to go, it would become a threat in any sort of Doomsday**
16 **type scenario. So we probably needed to monitor it, but**
17 **it wasn't the top priority in those days, because, as**
18 **you say, there were plenty of other Loyalist**
19 **paramilitary groups who were much more active and**
20 **actually killing people.**

21 Q. Yes, and you explain in your statement, 9004, and it's
22 something that we in the Inquiry constantly draw
23 attention to to ensure that context is maintained, we
24 are talking about a time period when literally hundreds
25 of citizens were being murdered --

1 **A. Yes.**

2 Q. -- and the focus of the intelligence services, including
3 your Service, working with others, would have been on
4 the organisations that were carrying out the murders,
5 the bombings, the attacks.

6 **A. That's correct.**

7 Q. Now you explain in your statement, and having worked
8 through the material, the first trace of William McGrath
9 as far as your Service is concerned, though you only
10 know him as "First name unknown McGrath" as opposed to
11 "William McGrath", appears to be in June 1971. The
12 source report indicates at the bottom of its page that
13 the result of the piece of information was for your
14 Service then to open a file on Tara at that point in
15 time.

16 **A. That's correct.**

17 Q. When James Miller penned his letter of 7th April 1982 --
18 and I am just going to show the Panel Members -- you are
19 aware of the phrase that I am talking about, but we can
20 look, please, at 105005 -- at the point in time that
21 James Miller penned that letter referring to a man named
22 McGrath and Miller having been told about the Tara CO
23 McGrath had been accused of assaulting small boys, that
24 at that stage your Service did not know McGrath's first
25 name, did not know where he lived or where he worked

1 and, in fact, embarrassing as it might seem at this
2 remove, given that we know all about William McGrath,
3 your organisation and the RUC appeared to have believed
4 for a considerable period of time in 1971 through to
5 1972 that, in fact, the person was a George McGrath.

6 **A. That's correct.**

7 Q. Obviously we are looking at it with hindsight, which
8 changes the context somewhat, but it was in
9 November 1973 via information from the RUC that you
10 appear to have first become aware that he worked in
11 Kincora?

12 **A. Yes. He was described as a social worker at Kincora
13 Hostel in that document.**

14 Q. And it's at that point in time that he's first referred
15 to in the context of homosexuality, or it may be, in
16 fact, slightly later in time before he's --

17 **A. I think it's -- I think it's even later than that.**

18 Q. Yes. It may be actually --

19 **A. I think -- I'm not sure -- it's until 1975.**

20 Q. March 1975 -- I think that's right -- that you were
21 told, and we are not going to look at it now, because
22 I opened these documents to the Panel, 9004, but there
23 is a document informing you about this being revealed in
24 March 1975, and we can trace that ultimately back to
25 a document that is an Army talent spotting letter of

1 22nd March 1975, which emanated from a discussion
2 between a police officer and Army officers, and the
3 police officer's source was, in fact, one Valerie Shaw,
4 and the Inquiry has been looking at issues arising from
5 her, and we shall be able to trace back that ultimately, as
6 is the case with so much of the material around William
7 McGrath and homosexuality, it leads ultimately back to
8 Roy Garland, who was the source of Valerie Shaw's
9 information.

10 Now you weren't necessarily to know all of that in
11 terms of the source report that was coming through, but
12 by March 1975 it seems that there's knowledge of where
13 he worked and that he was a homosexual.

14 **A. That's right.**

15 Q. And what I wanted to ask you, and if you want to say
16 anything more about this than you have said already,
17 would that fact of his sexuality in March '75 have had
18 any major impact on -- in terms of operational
19 significance to any assessment that was being made about
20 Tara or him?

21 **A. I don't believe so. I mean, obviously with the benefit**
22 **of hindsight all of the focus is on McGrath, because**
23 **that's the nature of the allegations that are being**
24 **made -- you know, levelled against him. However, from**
25 **our point of view, and looking at the file, it's clear**

1 that he just wasn't all that important to us at the
2 time. Even once we had identified him, he was the --
3 one of the leaders of a potential threat... -- a
4 potentially threatening organisation, Tara, but we -- it
5 wasn't as if we were doing a lot of intelligence work
6 around him. You know, we -- we were noting things that
7 were sent to us, but we didn't get active in tasking
8 other sources against Tara until later on as far as
9 I can see.

10 Q. It will become apparent -- perhaps of more significance
11 for the Panel, 9004, than you necessarily in terms of
12 what I am about to say -- but it will become apparent
13 that the timing of the letter we are talking about,
14 22nd March 1975, when that information is coming
15 through, it's around about that period when a different
16 train is travelling, which is Brian Gemmell and his
17 engagement with a number of individuals, including Roy
18 Garland, which leads to the interaction with Ian
19 Cameron, or, in fact, the interaction appears to have
20 occurred before the interaction with Roy Garland, and we
21 will look at that, but it is happening around the same
22 time as this separate piece of information is coming
23 from a different source it appears or a different
24 avenue, but ultimately leads back to the same place at
25 its origin.

1 In February 1976 you have a piece of information
2 coming through that McGrath was said to have long made
3 a practice of exploiting other people's sexual
4 deviations. Would that necessarily have had any
5 operational significance for the Security Service in the
6 eye it was keeping, if I can describe it that way, if
7 that's fair -- or you can summarise it whatever way
8 is -- you regard as fair -- the eye it was keeping on
9 Tara?

10 **A. There were lots of rumours flying around in things about**
11 **-- linking homosexuality with people involved in Tara,**
12 **but I don't believe any of it would be that**
13 **operationally significant.**

14 Q. In fact, I think there's a much later source report or a
15 report internally saying, "He's said to be a homosexual.
16 We don't have anything to confirm".

17 One of the points you make at various locations in
18 your statement is that you are talking -- and I've made
19 this point a number of times publicly -- intelligence is
20 not fact, and it's often double hearsay, triple hearsay.
21 You have to make an assessment in relation to it, but
22 the point that you make in a number of places in your
23 statement is in the 1970s there was a lot of smearing --

24 **A. Yes.**

25 Q. -- and in fairness not necessarily always just the

1 paramilitaries doing the smearing, because some of the
2 Army documents certainly seem to suggest a preparedness
3 to do the same, but homosexuality potentially amongst
4 other things was used as a smearing exercise.

5 **A. There were lots of allegations that various people, you**
6 **know, may have been covertly homosexual or engaged in,**
7 **you know, what was termed at the time sexual deviancy,**
8 **but a lot of those would not -- not have turned out to**
9 **be true, I'm sure.**

10 Q. And the point I understand the Security Service to be
11 making to the Inquiry is that your role -- and you
12 wouldn't have seen it as relevant in any event -- but
13 your role was not to start examining the homosexual
14 community of Northern Ireland.

15 **A. Not at all. We were focusing very much on the national**
16 **security situation and the threats to the stability of**
17 **the political system at the time.**

18 Q. Now you explain then in your statement that it was --
19 and the Inquiry has looked at this document, 9004 --
20 that in May 1977, doing the best we can, it appears that
21 the index card for William McGrath held by the Secret
22 Intelligence Service comes across to MI5, because it
23 seems to have a "Passed on 24th May". Then on 31st May
24 you open a file on William McGrath.

25 **A. That's right.**

1 Q. And you have explained to the Inquiry that that's the
2 first time when a file in relation to him existed within
3 the Security Service, and you were explaining in your
4 statement that -- and if I can ask you to explain in
5 a way that you feel able to explain -- there is
6 a certain threshold assessment that's made. You don't
7 just open a file on anybody. You keep cards on people.
8 So if there's a piece of information on me in your file,
9 you don't have a file on me. You will have a card on me
10 and you will enter the relevant piece of information on
11 it for your easy access if you want to look at me for
12 some reason, but there comes a certain point when
13 because of accumulation of information or for some
14 reason you determine a file should be opened and at that
15 point then an individual file on me might exist.

16 **A. Absolutely. If we judge that someone is posing a**
17 **particular threat to national security for a particular**
18 **reason that we can sort of shadow through the**
19 **intelligence that we receive and we want to make them a**
20 **focus of our activity and to gain more information, then**
21 **we will open a file and collate all of the paperwork**
22 **that we have on that person.**

23 Q. And --

24 **A. We also have files for other types of individual. It is**
25 **not necessarily an adverse thing. We also create files**

1 **obviously for people who are cooperating with us.**

2 Q. Yes. It is more the persons of interest that I am
3 focusing on.

4 **A. Yes.**

5 Q. The sequence of events, when one steps back from that
6 period at the end of 1976, which begins with Brian
7 Gemmell passing across documents in relation to Tara
8 which refer to William McGrath and they're being
9 considered between the two services and ultimately
10 a recommendation to penetrate, and then the sequence of
11 events ends with the Belfast officers saying, "Well,
12 just hold on a minute. We don't actually know a great
13 deal about this in order to penetrate it", it's that
14 sequence of communication that results in the file being
15 produced?

16 **A. I believe so, yes.**

17 Q. Now is there anything else you want to say about that
18 area to do with William McGrath and Tara beyond that
19 which I have summarised and asked you to deal with? Is
20 there any other issue about it that you think we haven't
21 covered?

22 **A. No. I think that's a fairly comprehensive treatment.**
23 **I will just repeat what I said earlier, that, you know,**
24 **it is obvious looking at the file, even once it was**
25 **created, he's not somebody who is of preeminent**

1 **importance to us. He's a relatively peripheral figure.**

2 Q. Now I want to then turn to look at the Brian Gemmell/Ian
3 Cameron issues, and there are a number of different
4 issues that are involved in this set of events. I want
5 to try and break them down so we deal with them one at
6 a time.

7 Can I ask you just to explain for the benefit of the
8 Panel the events that we are going to look at seem to be
9 happening in HQNI in 1975. Ian Cameron is then the
10 Assistant Secretary Political. Can you just give the
11 Panel an idea of what the ASP was doing, because
12 I understand from the material that the Inquiry has
13 looked at that the ASP, just like the DCI Rep Knock,
14 were not in charge in the organisation they were in, but
15 were there to assist and to guide, and no doubt their
16 recommendations may be followed, but can you give the
17 Panel an idea of how this structure worked, given that
18 it's very different from the IJS, which was looking at
19 penetrating Tara in 1977?

20 **A. So the Assistant Secretary Political post was**
21 **effectively the DCI's representative to the Army at Army**
22 **headquarters in Lisburn. At that stage the Army was**
23 **expanding the amount of intelligence gathering it was**
24 **doing, obviously in quite a new context. Whilst the**
25 **Army had gathered intelligence in foreign conflicts, you**

1 know, forever, to actually manage the intelligence
2 gathering operation within its own country in a civil
3 society is quite a different set of challenges, and part
4 of the role of that was to provide guidance to the
5 Officer Commanding, the General Officer Commanding,
6 about the activities of the Army intelligence collection
7 apparatus. The Army and the Security Service also
8 provided various other support functions to the RUC, but
9 in the role I think you want to concentrate on,
10 Ian Cameron was effectively there as someone between a
11 sort of mentor and a political adviser to the Army's
12 nascent agent running efforts. That role changed later
13 on as the Army structure themselves evolved and our role
14 sort of withdrew a bit and became much more higher level
15 and advisory, but at that time it was a very hands-on
16 role.

17 Q. You won't have potentially seen this, 9004, but the
18 Inquiry has received a witness statement from an Army
19 officer known as Major C, who worked in the intelligence
20 section in HQNI and -- at the same time as Ian Cameron,
21 and he was explaining to the Inquiry that where
22 information he might have got that was of political
23 significance -- you know, he wouldn't necessarily have
24 been bothering Ian Cameron with routine intelligence
25 matters, but if it was something of political

1 significance that ought to feed back to the DCI, who was
2 advising the Secretary of State, then he would be
3 channelling that. So in his role he would be
4 disseminating to the brigades what he felt the brigades
5 needed to know, but also moving over to the ASP anything
6 of a more political nature that he felt he needed to
7 know.

8 Is that -- does that help the point you are making
9 that it's a --

10 **A. Yes.**

11 Q. -- there's an assistance to intelligence generally, but
12 there's an eye on the political ...

13 **A. I think, going back to the reasons why the Director and**
14 **Coordinator of Intelligence post was created in the NIO,**
15 **it was to provide political intelligence to the**
16 **Secretary of State in order to help the Government**
17 **manage the Northern Irish crisis, and so anything that**
18 **was of relevance on the politics or the -- even the**
19 **strategic paramilitary intent would have been passed and**
20 **channelled through the ASP office if it came from the**
21 **Army.**

22 There was also another role. I am sure the ASPs of
23 the day would have been very keen to provide advice to
24 Army agent runners when their casework started to take
25 them into the quite grey, murky area between Protestant

1 **paramilitarism and the Protestant politics of the day.**

2 Q. If we can put on the screen, please, 4061, the area
3 where we try and deal with Brian Gemmell as Captain
4 Brian Gemmell working in 39 Brigade in intelligence in
5 1975, and the Panel have -- we will be looking at this
6 again, but the Panel have looked at this, involving Jim
7 McCormick, who was friendly with Brian Gemmell. That
8 led on to the communication with Roy Garland, and then
9 we have Brian Gemmell's communications with Ian Cameron.
10 The -- you explain in paragraphs 45 to 48 of your
11 statement that there appears to be conflation that has
12 subsequently occurred in respect of Brian Gemmell over
13 two separate individuals with whom he was involved at
14 around the same time that we are talking about in the
15 middle or pre-middle and middle of 1975.

16 Now, as you know, he would say, as he said to the
17 police and then in a more augmented form to the media
18 subsequently, that he was told brusquely not to
19 interview Roy Garland and then the decision was
20 subsequently reversed and he was permitted to interview
21 Roy Garland, but to stay away from matters of
22 homosexuality and then subsequently he would say
23 Kincora.

24 In fairness to him, his view at least as far as the
25 sequence of events as opposed to what was being

1 discussed is supported by his then sergeant's 1982
2 statement to the police about a direction not to speak
3 to Roy Garland and then a change of view and Roy Garland
4 could be spoken to.

5 Now obviously they are both speaking at seven years'
6 remove by that stage from the events that we are looking
7 at, and set against that for the Inquiry Panel is Ian
8 Cameron, when answering the thirty questions to -- I am
9 going say to the RUC. They weren't answered to the RUC,
10 but the thirty questions were answered, and we will come
11 back to look at that later -- where one of the questions
12 he was answering around questions 9 and 10, he was
13 making the response when he was being asked, "Why did
14 you give an instruction for them not to interview Roy
15 Garland?" and his answer to that was, "I don't
16 understand what you are talking about" in essence.
17 "They were given permission to talk to Roy Garland."

18 The issue you are drawing attention to, and I just
19 want to be careful how we deal with this, is there was
20 another individual who for reasons as you explain in
21 your statement unconnected to Kincora -- it was for
22 operational reasons about the information the person
23 wasn't providing -- that they should break off contact
24 with them.

25 **A. Yes. Ian Cameron providing security advice to Brian**

1 **Gemmell and clearly felt that a particular case that**
2 **Gemmell was involved in was going the wrong way. So**
3 **advised him to break off contact temporarily at least.**

4 Q. We see that in a note for file that's available to the
5 Inquiry of the -- it is of 9th June 1975. If we can
6 look, please, at 105015, it's just a better version of
7 the document we have been looking at, and the point that
8 arises from this, 9004, is that there are two
9 individuals, and it is the case that in respect of one
10 of them an instruction was being given not to -- well,
11 to let the thing down gently and let it go, and it is
12 the case that subsequently that instruction would be
13 altered and re-engagement would occur, and the point
14 that you are making on behalf of the Security Service to
15 the Inquiry -- and the Inquiry has been given access to
16 all of the material around this -- is that this
17 individual and this decision about not engaging and
18 re-engaging had nothing to do with Kincora.

19 **A. That's right, to the best of our knowledge from the**
20 **records.**

21 Q. In contrast to that -- and this is where the difficulty
22 comes that we will have to just address today -- if we
23 look at 4132, we have a document from the --
24 a subsequent ASP of 19th July 1982, and in that document
25 he is addressing a number of matters connected to the

1 RUC inquiry, and Brian Gemmell has just been interviewed
2 by the police, and we will come back to look at this
3 document for a different reason later, but in the
4 document at paragraph 8, if we go to 4134, please, what
5 the subsequent ASP explains internally -- so this is
6 a communication from Belfast to London, as I understand
7 it, internally within The Security Service recounting
8 what has taken place in terms of meetings that have gone
9 on, and then it's clear that this individual is looking
10 at material which he has access to and setting out that:

11 "Brian Gemmell had an interview with Jim McCormick
12 on 25th March 1975, which included a request for
13 authority to approach Roy Garland."

14 That document was filed on a particular file, the
15 identity of which you have revealed to the Inquiry, and
16 responding to that request an MI5 officer, who was not
17 Ian Cameron, but worked under Ian Cameron:

18 "Wrote a note for file recording that Brian Gemmell
19 and his sergeant were told on 4th April 1975 by ASP that
20 'It was in order for Garland to be interviewed on the
21 strict understanding that the overt and clearly
22 expressed reason was a requirement for information on
23 Tara. It was emphasised that the Army had no interest
24 in investigation of deviant sexual activities or
25 religious aspects of the group, which was solely the

1 function of a specialist section of the RUC. Therefore
2 this discussion should be steered away from this type of
3 issue. Anything Garland might say about personalities
4 involving particularly ...'"

5 Then it goes on to identify things that they were
6 interested in. If we scroll down, please, we can see
7 the rest of -- scroll down, please, on to the next page.

8 EPE OPERATOR: I don't have a next page.

9 MR AIKEN: Right. Not to worry. I think maybe that is the
10 end of it, in fact, 9004. It is just the redaction
11 is -- yes, I think it is. We will look at -- we will
12 look at that.

13 The relevant portion for our purposes, if we just
14 scroll up again, is this disclosed sequence of events
15 that the 1982 ASP is describing.

16 **A. Yes.**

17 Q. Now obviously of interest to the Inquiry was: well, what
18 was in the interview notes of Jim McCormick or in the
19 document that clearly, if it was the interview notes,
20 had with it a recommendation or a request for permission
21 to engage with Roy Garland? It obviously carries the
22 implication that homosexuality was certainly in the
23 document, because the note from ASP's subordinate was:
24 "We don't want to be getting into -- the Army is not
25 interested in all of that stuff, but we are interested

1 in Tara".

2 Obviously the note itself giving that instruction
3 would equally have been of particular interest to the
4 Inquiry, and the difficulty over these documents, and
5 that's why the Inquiry asked your Service to facilitate
6 the Inquiry speaking to the relevant ASP who authored
7 this paragraph -- I think we need to hit "Yes". If
8 somebody can -- appearing on my screen is a question:

9 "You have been in a call for 100 minutes. Do you
10 want to disconnect?"

11 Can someone assist?

12 **A. It's not on my screen.**

13 Q. It is not on your screen. Can someone assist me with
14 what I am to press?

15 (Videolink disconnected)

16 Q. Too late. We will have to redial.

17 (Videolink reconnected)

18 Q. 9004, just bear with me, because I can see you can't
19 hear me. Folks, can someone tell me what button to
20 press? Hopefully you can hear me now.

21 **A. I can hear you now. I can.**

22 Q. Excellent. We got timed out, but we are back, and I can
23 confirm we can see you again, 9004. It is still the
24 same individual. You haven't been replaced by anybody
25 else.

1 You have, as I was explaining, facilitated the
2 Inquiry by tracing a retired ASP, who was the last
3 person it may be who saw these documents, in that he is
4 able to talk about them. I think you were in a position
5 to say to me they may well still have existed by 1990
6 possibly or 1989, or maybe you are not. Maybe I am
7 confusing that with another document.

8 But the position that we have ended up with is the
9 file that's referred to here was a local file in Belfast
10 and these documents -- that file ultimately was
11 subsequently destroyed, and the documents from this
12 file, whatever the intention to make sure that the
13 material on it is replicated in a London file, these
14 documents are not in a London file that you can find,
15 and consequently you can't produce to the Inquiry the
16 25th March '75 note from Brian Gemmell of his interview
17 or the reply from the subordinate of Ian Cameron that
18 this particular ASP in 1982 had access to and was
19 writing about.

20 **A. That's correct. Obviously a lot has changed since the**
21 **mid '70s. The various satellite offices that we had in**
22 **places like Lisburn and elsewhere in Northern Ireland**
23 **have been closed, and we went through a process of**
24 **consolidating our records to bring what we thought were**
25 **all of the unique records that only existed locally into**

1 **our main repository. Clearly something appears to have**
2 **gone wrong in that process.**

3 Q. Well, in fairness to you over the years there's been --
4 you are describing a conflation about individuals. It
5 may also be there has been a misremembering of the
6 actual sequence of events, because the balling out that
7 may have occurred would have to have been it seems after
8 the interview with Jim McCormick as opposed to after the
9 interview with Roy Garland based on this sequence of
10 events, which is permission being given to have
11 a one-off debrief but staying away from issues of
12 homosexuality and religion.

13 **A. Yes.**

14 Q. Unfortunately everybody's focus had been one step
15 further down the path, which is post the Garland
16 interview, and we do have the Garland interview notes
17 and we will be able to look at those shortly, but if it
18 was the case that, in fact, the sequence of events meant
19 that these were the relevant documents for that
20 potential encounter that Brian Gemmell describes of
21 going in, as he I think colourfully described it, you
22 know, not expecting a pat on the back necessarily, but
23 a warmer reception than he got, which was a balling out,
24 as he would subsequently describe it --

25 **A. Yes.**

1 Q. -- it may be these are the documents that would have
2 touched on that encounter, and obviously one can see
3 they clearly did refer to homosexuality. One can say,
4 well, the author of this note was certainly not
5 indicating anything to do with Kinchora or sexual abuse
6 at Kinchora, but unfortunately that's an argument from
7 silence, which is not ideal, and, as you know, the
8 reason why the Inquiry wanted to speak to the 1982 ASP
9 was to see could he remember what was in the documents
10 that in fairness we were asking him to remember about
11 thirty something years since his memo.

12 **A. Yes.**

13 Q. He has explained to the Inquiry that he stands over what
14 he wrote in his memo that we are looking at, but he was
15 not happy to speculate about what was in a document that
16 he couldn't remember and couldn't be shown to him.

17 The other issue that arises, as you know, 9004 is
18 there is at least the potential that these two documents
19 may have also been on Army files, and the two potential
20 Army files that they perhaps could have been on was the
21 Army HQNI Tara file or the 39 Brigade Tara file, and we
22 have a subsequent problem in respect of those in that
23 they clearly were available to Mr Rucker when he was
24 doing his review in 1989 and '90.

25 It seems from the sequence of events that they were

1 available or given to the Security Service to have The
2 Security Service look at the documents, and obviously we
3 have Mr Rucker's report in relation to them, but the
4 position, as I understand it, is that the Army cannot
5 find those two files and potentially some other files
6 that were referred to in them, which Rucker did not see,
7 but he saw these two files, The Security Service saw
8 these two files, and Mr Rucker's supplementary report
9 would suggest that they rested with The Security Service
10 as a result of that sequence of events of examining the
11 files.

12 Your Service has undertaken attempts to try and find
13 those files and it simply has not been possible as of
14 yet to trace them.

15 **A. My understanding of the three files involved, one is**
16 **an old HQNI file on Kincora, but that was only opened in**
17 **1982, so by its nature would only have information**
18 **looking backwards --**

19 Q. Yes.

20 **A. -- into the subsequent scandal and the various**
21 **enquiries. The other was an HQNI file on Tara. I am**
22 **not sure when that file was opened, but it comes in a**
23 **numerical sequence after the Kincora one. So I am just**
24 **speculating here, but it might have been opened around**
25 **the same time as 1982. The third folder was some**

1 manuscript notes on a piece of casework that was
2 unconnected with Kincora or child abuse.

3 Those three files -- you are right -- we were passed
4 them to examine the contents some time by Rucker in
5 about 1989. We still had them in our possession as late
6 as 18th June 1990, but I am afraid we have got no record
7 of what happened to them subsequently, and all of the
8 logs or files being passed in and out of those buildings
9 have long since been destroyed. So we can't say with
10 any certainty at all what happened to them. We might
11 have passed them back to the MoD, but they have got no
12 record of them. They might have been destroyed for one
13 reason or another, but we've got no record of that
14 either, I am afraid.

15 Q. If you are right and they are post 1980 files, the
16 Inquiry is aware from the police investigation of
17 a major in the Army looking at the -- if I can call them
18 the actual Tara files that were held in HQNI, because he
19 was able to produce various documents from them to the
20 police, and we have at least those documents available,
21 but whatever was in the files that was available to
22 Rucker and to the Security Service in '89 and '90, all
23 that we can say about them is what's in the Rucker
24 analysis and The Security Service analysis in respect of
25 those files?

1 **A. That's true, although I would add, although sadly we**
2 **don't have Ian Cameron around still to ask, but at the**
3 **time that he was asked questions, which were -- even**
4 **though they were back in 1980 I believe -- he was asked**
5 **what he remembered about what Gemmell had told him --**

6 Q. Yes.

7 **A. -- and he could not recall any mention of Kincora. He**
8 **remembered he mentioned homosexuality --**

9 Q. Yes.

10 **A. -- but nothing about child abuse.**

11 Q. We are going to come on to look at those shortly,
12 because the Inquiry hasn't yet looked at those
13 documents, and you have produced them to the Inquiry,
14 but, as I mentioned, what we do have is Brian Gemmell
15 did interview Roy Garland, and you have a different
16 version of this document. I am just going to look at
17 the one that the Inquiry has. So bear with me, but you
18 understand the document I am talking about. It's
19 a record of interview with -- the one I am going to
20 bring up on the screen is at 30313. You will find it in
21 your papers, 9004, at 105159.

22 **A. Yes.**

23 Q. What I am -- the Panel have looked at this document
24 already, but this is the -- said to be the record of
25 interview with Roy Garland, and when we were looking at

1 it on Wednesday, it talks about Tara. It talks about
2 homosexuality in terms of you can see in the second
3 paragraph that meetings are taking place.

4 "McGrath singles them out after meetings and
5 attempted to seduce them by claiming to show their
6 emotional freedom."

7 To this --

8 CHAIRMAN: Do we have a better copy of this in our bundle,
9 Mr Aiken?

10 MR AIKEN: (Inaudible.)

11 CHAIRMAN: Oh, I see. Yes, that's clear enough. Thank you.
12 Yes.

13 MR AIKEN: And reference to feeling guilty by having them
14 admit to masturbation and thereafter engaging with them
15 in their guilt complex.

16 So that's what Roy Garland is at least recorded as
17 having talked about to Brian Gemmell and/or, because
18 there's an issue over that as well, which of them, him
19 or a sergeant, actually made these records, and you have
20 had an opportunity to consider the document, as have the
21 Panel. There is no reference in the document to what
22 Roy Garland was it seems suggesting to others, which was
23 by virtue of what William McGrath was doing with him and
24 others that, therefore, would mean -- the past behaviour
25 is the best indicator of future performance argument --

1 that would mean he is bound to be taking advantage of
2 his position in Kinchora. That's not something that's
3 found in the record of interview with Roy Garland.

4 So taking that a stage further, if this was the
5 information that Roy Garland (sic) got balled out over
6 by Ian Cameron after his interview with Roy Garland, at
7 least as far as the record is concerned it doesn't deal
8 with Kinchora or allegations of sexual abuse about
9 Kinchora, or indeed the suggestion that, because of the
10 past conduct, he may well be abusing his position in
11 Kinchora. That's not found in the record?

12 **A. Not to my knowledge.**

13 Q. The Inquiry has also had the opportunity to see Brian
14 Gemmell's own note for file of 14th October 1976.
15 I think you have a copy at 105027. If we can go to
16 105027, please, this is the note for file that according
17 to the record from The Secret Intelligence Service --
18 because I think -- I know you in your statement in
19 paragraph 58 indicate, 9004, that The Security
20 Service -- it was an MI5 officer who got these
21 documents. The Secret Intelligence Service equally
22 claim that it was their officer who got the documents.

23 **A. Uh-huh.**

24 Q. I think -- I have not fully got to the bottom of that,
25 but at the relevant time the individual appears to have

1 worked for one, but was on secondment from the other.

2 **A. It was Joint Section.**

3 Q. Right. That's maybe the easiest way. We'll regard it
4 as an Irish Joint Section officer who gets these
5 documents from Brian Gemmell. Amongst the documents
6 that he received, including the notes for interview that
7 we have just looked at as well as the note for file that
8 we have on the screen -- and it is paragraph 4 that we
9 have already looked at with the Panel, which records
10 what's being said, that:

11 "There's evidence that a number of the members are
12 sexually deviant. William McGrath, the past OC, almost
13 certainly is bisexual and there are homosexuals in his
14 immediate circle of Tara associates."

15 So that is the information that is in -- as far as
16 homosexuality is concerned that is in the -- Brian
17 Gemmell's note for file that was passed across the next
18 day, as it were, on 15th October, and we can see that at
19 105030, please. If we just scroll down, we can see:

20 "We attach copies of papers handed to [the
21 particular officer] by Gemmell on 15th October, which he
22 obtained from his Army files. He made the following
23 comments on the papers."

24 You can see:

25 "Tara -- note to file",

1 that we have just looked at. Have you got that
2 document?

3 **A. I have.**

4 Q. You can see that at 1(a) he is saying:

5 "This paper was written by Gemmell and is based on
6 the contents of his file on Tara."

7 So if that's an accurate record of what Brian
8 Gemmell said, there clearly was a file on Tara that was
9 something Brian Gemmell had access to, and he has
10 written this note for file that he is in a position to
11 hand over, leaving aside the right and wrongs of that.
12 Now -- and at the same time you can see at 1(b):

13 "Notes on interview with Roy Garland"

14 are referred to. You can see that if this record
15 is accurate, the Panel will be able to consider whether
16 this is consistent with what is in the ASP's note in
17 1982, looking back at the McCormick and -- McCormick
18 notes and the direction from the ASP subordinate:

19 "These notes", that we have just looked at, "were
20 made by Brian Gemmell and an NCO after a one-off debrief
21 sanctioned by Ian Cameron."

22 So if that's right and that is information that
23 Brian Gemmell gave at the time he passed the documents
24 to the intelligence officer, at that stage he had got
25 the sequence of events correct. Is that fair?

1 **A. I think so.**

2 Q. It's a rather complicated issue. So I hope that our
3 attempt to elucidate it in this way has assisted the
4 Panel, but essentially Ian Cameron was saying, "I don't
5 understand why you are saying -- why I am being asked by
6 the police why did I direct no contact with Garland.
7 I didn't. That doesn't make sense to me".

8 In fairness to him, the records that we have just
9 been looking at, aside from what they do or do not say
10 about sexual abuse in Kincora, they appear to suggest
11 that there was a one-off debrief sanctioned as opposed
12 to being told not to talk to Roy Garland.

13 Now one of the issues that arises -- obviously in
14 our discussion just now, 9004, we have talked about the
15 fact there are unfortunately two documents that were
16 available to the ASP in '82 that are missing and we
17 can't find these files, and you will appreciate, given
18 the nature of things and the suspicion that surrounds
19 issues relating to Kincora -- as a result we are looking
20 at it in the Inquiry in this way -- any missing
21 documents or files of documents is going to cause
22 concern. As I understand The Security Service position,
23 you have done all you can to trace the documents that
24 the Inquiry would have preferred to see. This may be,
25 as I understand it, an unfortunate loose end, that it is

1 just not going to be possible to find those documents
2 either between the Army, as matters stand, and The
3 Security Service.

4 **A. I think that's right. To the best of my knowledge the**
5 **file that that document should have been copied to you**
6 **have seen in full and it is not on there. So, you know,**
7 **if we were trying to hide something, I'm sure we would**
8 **go about it in a slightly less complicated way, I mean.**

9 Q. If I can just explain, the point you are making about
10 the fact the file it ought to be on has been seen by the
11 Inquiry, it's -- there's a means on the file of knowing
12 the sequence of the documents and what is in the file,
13 and the position is there's no record of it ever having
14 been on the file --

15 **A. That's correct.**

16 Q. -- because the documents follow in a particular pattern.
17 We don't need to go into that in any more detail, but
18 the point that you are making is that the Inquiry has
19 seen the file on to which these documents -- if the aim
20 of moving everything from one place to another had
21 succeeded in full, those documents -- the fact that they
22 were on the file in London would have been obvious.

23 **A. Yes, if they ever had been, and certainly a note would**
24 **have been made on the file if they had been removed.**

25 Q. Yes, but there are other ways from your file that we

1 don't need to go into publicly, but you have explained
2 to the Inquiry and the Inquiry has had the opportunity
3 to see, that would indicate if there was a missing
4 document --

5 **A. Yes.**

6 Q. -- because there is an index to be sure of what's in the
7 file that goes in a particular order --

8 **A. That's right.**

9 Q. -- and in a particular way.

10 **A. Yes.**

11 Q. Now the other issue that arises from this -- we have
12 looked at the conflation that's occurred with the other
13 individual and the note for file from Ian Cameron that
14 deals with that, but equally you are aware that Brian
15 Gemmell's position at least to the police from 1982 is
16 that he believes after his meeting with Roy Garland --
17 and, of course, if there's a conflation over the
18 sequence of events, we may have a problem there, but
19 presuming it to be right for the moment -- his position
20 is that he wrote up a MISR, a Military Intelligence
21 Source Report, and the position is there's -- nobody has
22 been able to find the MISR. The Security Service does
23 not have one. The Army does not have one. There seems
24 to have been a number of occasions over the past
25 thirty years that searches have been undertaken to try

1 and find this missing MISR.

2 The point that I wanted to draw to your attention is
3 if we go back to the interview note at 30313 -- you have
4 it at 105159 -- the part that relates to homosexuality
5 is in paragraph 2, but, as I understand the position, if
6 there had been a MISR that followed the interview with
7 Garland, then the Panel will wish to consider whether it
8 might reasonably be inferred that any MISR would have
9 reflected the content of the interview that was actually
10 conducted.

11 **A. Yes.**

12 Q. As I understand it, the MISR would come out of the
13 record that you've got that you're wanting to pass on
14 the information, and one might reasonably infer that the
15 content of the MISR would be based on the interview
16 record that you have had.

17 **A. It is just a way of passing the crucial points of**
18 **(inaudible) value from the meeting that you had with**
19 **someone who had information that you were trying to get**
20 **out of them.**

21 Q. So if you will walk this through with me, 9004, if it is
22 the case that the notes for interview are an accurate
23 record of what was said to Brian Gemmell by Roy Garland
24 about McGrath and his techniques about masturbation to
25 do with people connected to Tara, and that material

1 along with matters of religion was passed on in the form
2 of a MISR, and as a result, taking Brian Gemmell's case,
3 that MISR was considered by Ian Cameron and thereafter
4 he gave the direction or the balling out about, "We
5 weren't interested in matters of sexual deviancy,
6 homosexuality and religion", then by natural implication
7 it doesn't appear from these documents that Kincora or
8 allegations of sexual abuse in Kincora would have formed
9 a part of that. Do you understand the ...?

10 **A. I do, and there's no mention of Kincora in any of the**
11 **documents that Gemmell took notes on or passed to us**
12 **later on as far as I can see.**

13 Q. Now obviously that does not rule out that not everything
14 might be covered in a note and -- but we are trying to
15 deal with understanding what might be the case if
16 a document that no-one has been able to find had been
17 produced.

18 Equally, it doesn't appear from the documents that
19 were handed over to the IJS officer -- he is given the
20 note for file. He is given the interview notes. He
21 doesn't -- at least there doesn't appear to be any
22 record in his -- he is given a proclamation of Tara. He
23 doesn't appear to receive a MISR.

24 What I am going to turn to now, 9004, is the 1982
25 investigation that led to Ian Cameron over the matters

1 that we have been talking about, because what the RUC
2 officer was dealing with was the information that was
3 given to him in 1982. We are trying to look back at
4 what the contemporaneous records show about the matters,
5 but we are going to turn now to look at based on what
6 was said to him in 1982, but I wonder, Chairman, whether
7 in fairness to the stenographer we should try and take a
8 --

9 CHAIRMAN: Yes, take a short break.

10 MR AIKEN: 9004, we are going to take a short break just to
11 give the stenographer a few minutes of respite.
12 Obviously you will not discuss your evidence with
13 anybody that may or may not be around you in the
14 location that you are, and we will return perhaps in
15 about ...

16 CHAIRMAN: Fifteen minutes?

17 MR AIKEN: ... fifteen minutes.

18 **A. Okay.**

19 **(11.10 am)**

20 **(Short break)**

21 **(11.40 am)**

22 CHAIRMAN: Yes, Mr Aiken.

23 MR AIKEN: Chairman, Members of the Panel, I can confirm
24 we can see 9004 on the screen.

25 We had just started to move on, 9004, to a new topic

1 coming out of the same set of events, and that is
2 whenever Brian Gemmell was going to speak to the RUC in
3 1982, then as a retired Army officer, and that would
4 lead the investigation of Detective Chief Superintendent
5 Caskey to want to talk to Ian Cameron.

6 As I said, the issue isn't about the rights and
7 wrongs of what actually occurred in 1975. We have
8 looked at that and the Panel will reach a view about
9 those events, but I am looking at based on what was said
10 in 1982 and then Detective Superintendent Caskey wanting
11 to talk to Ian Cameron, and he explained to the Inquiry
12 in his oral evidence earlier this week that he regarded
13 this as one of two loose ends, as it were, as part of
14 his police investigation that he didn't get to complete
15 the way he wanted to. He wanted to have the response
16 from Ian Cameron formally on the record.

17 You can appreciate, just to set the scene as we look
18 at these events, so that you are aware of the issue that
19 arises, one possible interpretation of the events that
20 we are going to look at in 1982 around Detective
21 Superintendent Caskey's investigation, given that he
22 wanted to interview Ian Cameron and did not get to do
23 that, was that MI5, the Security Service, was impeding
24 the police investigation into Kincora. That's the
25 allegation that has been made, and one possible

1 interpretation of what's occurring is that he wanted to
2 talk to someone. He is a police officer, supposed to
3 investigate. He doesn't get to do that in a way that he
4 is satisfied about.

5 I want to take you to paragraph 21 and following,
6 because I want to give you an opportunity just before we
7 look at some of the documents which set out the
8 arguments that were at play to explain why MI5, The
9 Security Service, say that that's not the correct
10 interpretation, that this set of events that we are
11 going to look at, the correct interpretation of them is
12 not that there was an attempt to impede the police
13 investigation.

14 Can you just explain the tensions that exist,
15 because I imagine this is not the only time that issues
16 of this kind have arisen and have to be dealt with?

17 **A. That's certainly correct, and we are dealing with**
18 **obviously 1982. Things have moved on, you know, in**
19 **a number of ways since then, but in those days my**
20 **understanding is that it would be very difficult once**
21 **someone had provided evidence into a police inquiry that**
22 **needed to be protected because of its relevance to**
23 **sensitive intelligence gathering operations -- it would**
24 **be very difficult to protect that. We would effectively**
25 **lose control over who got to see that evidence. Our**

1 understanding is that everything that the police were
2 investigating and Superintendent Caskey's investigation
3 would go forward into a Public Inquiry probably after
4 the conclusion of these activities.

5 So the Panel will be aware that both Ian Cameron and
6 Brian Gemmell were involved in agent running activities
7 not just in relation to the matters that we have talked
8 about in Tara, but over a much wider field of area, and
9 they were responsible for handling agents and dealing
10 with that agent material where people had put their
11 trust into us and say, "Yes, provided you can give us
12 guarantees of my security, I will supply you with
13 information".

14 So in order to fulfil those guarantees, we have to
15 be -- we have a very strong duty of care towards the
16 people who volunteer to put themselves into that sort of
17 dangerous position. If we get this wrong and
18 information leaks out into the public, then their lives
19 could be at risk and certainly the effectiveness of our
20 intelligence gathering would be at issue.

21 So what I see, looking through the documents, is
22 an attempt to try and balance the two things together.
23 Of course, people on the inside, our legal advisers and
24 Ian Cameron, will have understood that there was nothing
25 that we were trying to hide about Kinchora, because we

1 **didn't have an intelligence gathering operation going on**
2 **in Kincora. So -- and I think you can see through the**
3 **papers -- no doubt we will come on to some of the**
4 **specifics -- that at every stage we were trying to**
5 **explain we weren't seeking to impede the proper**
6 **investigation of what took place there, but we were**
7 **looking to limit the inquiry so that it didn't stray**
8 **into the extraneous intelligence areas that we were**
9 **worried about.**

10 Q. If I can just pick that up, what I understand you to be
11 saying through these paragraphs, and we are going to
12 look at the documents now to assist with that, but it's
13 you didn't want intelligence matters to be dragged in by
14 a large net if they weren't relevant to what was
15 actually being investigated. So if I can put it this
16 way, if there had been, if I understand what you are
17 saying, if there had been an intelligence gathering
18 operation and/or there had been agents involved in this
19 in some way, then so be it. The police do their job and
20 you don't interfere with that. What you are describing
21 is the situation where you are trying to prevent
22 individuals getting caught up who aren't actually
23 involved in those things, because the net is very wide.

24 The issue of that line becomes something of great
25 tension, and there's two aspects of it that arise in

1 these matters and we will see in the documents. You've
2 got the concern about an intelligence officer and his
3 situation if he has to engage in a police inquiry, your
4 point is in a situation where he's got nothing relevant
5 to say, and, of course, the difficulty and the tension
6 that's arising here is who should determine that? So
7 the police position, as you will understand, is, "Well,
8 we should determine whether that's the position or not,
9 not you", and your position is, "No. Well, we're
10 satisfied there is nothing to this and we would tell you
11 if there was", and they are saying, "Well, we have got
12 to do our job". So you have got a major tension that
13 arises over that.

14 The other issue that arises that is disclosed in
15 this sequence of events is that someone who may be
16 reporting to you, who has got nothing whatever to do
17 with Kincora, could potentially get caught up in all of
18 this and as a result they end up exposed, and those two
19 issues are at play in this sequence of events that
20 happen in 1982.

21 **A. Absolutely.**

22 Q. And you -- in paragraphs 26 and 27 you talk about the
23 meetings to try to ensure that -- if we scroll down to
24 2... -- paragraphs 26 and 27, please -- the meetings
25 that were going on to try to ensure that Detective

1 Superintendent Caskey was careful as to how he conducted
2 the investigation so that matters that were genuinely
3 not relevant, but which were certainly of great
4 importance to you or to the Security Service, were not
5 caught up in the net where that didn't -- where that was
6 not necessary, and the difficult line that's now
7 revealed in this sequence of events between trying to
8 protect your operations and your staff and your agents
9 while not frustrating an entirely legitimate police
10 inquiry that's going on.

11 If we can look at 105041, and, of course, you
12 weren't here to hear retired Detective Chief
13 Superintendent Caskey speaking, but what we have been
14 able to do in the Inquiry is get the information now
15 from both directions. His position as far as his
16 understanding is coming from what the police knew, and
17 at least now we are able to put the two together and
18 show the sequence of events as far as both organisations
19 are concerned and the rather important people in terms
20 of the Director of Public Prosecutions in Northern
21 Ireland, the Attorney-General and others who end up
22 involved in this, including the Chief Constable and so
23 on.

24 So we have here a document. If we just scroll down,
25 it is 2nd July 1982. It is a meeting that is taking

1 place between MI5 and the head of Special Branch in the
2 RUC. The concern is over the engagement there's going
3 to be with Brian Gemmell. You can see these were
4 internal documents to The Security Service that had been
5 provided to the Inquiry. So you are recording an
6 officer in Belfast explaining to an officer in London
7 and not necessarily expecting that a public inquiry is
8 going to be pouring over them the way I am some
9 thirty-six years later, but you can see it is being said
10 that the MI5 officer was obliged to tell the head of
11 Special Branch more than it seems he wanted to.

12 "The head of Special Branch took a helpful line. He
13 said that" -- here it is "Cassidy" -- "Detective
14 Superintendent Caskey was selected for the job of
15 heading the follow-up enquiry into any outstanding
16 criminal matters connected with Kincora because of his
17 ability and his discretion."

18 I think it is pretty clear there was going to be
19 an investigation into military intelligence as part of
20 that, which may be what that's a reference to, because
21 they are matters that have to be handled carefully and
22 sensitively.

23 "The head of Special Branch had already found him
24 helpful in certain matters, but doesn't wish to attempt
25 to influence him, as he's not in his branch, though at

1 the moment head of Special Branch is acting head of CID
2 in Whiteside's absence on leave. In an aside head of
3 Special Branch said that although he was confident of
4 Caskey's cooperation, he would not wish to put Whiteside
5 into the picture."

6 I should just make it clear these are records that
7 record what the author says and the Inquiry is not
8 getting into the correctness or otherwise of that
9 assessment that's being recorded, but:

10 "The enquiry is being overseen by Sir George Terry
11 (who is directing the enquiry into any RUC failures over
12 Kinchora). It is worth recording ..."

13 There is obviously some officer from Sussex that was
14 known to the author.

15 If we scroll down on to the next page, please, you
16 can see:

17 "The head of Special Branch said there would almost
18 certainly be a public enquiry next year and Caskey's
19 report, which should be ready by the end of July, would
20 form the basis for this enquiry and might be made
21 available to interested parties. It is therefore
22 important that Caskey's report does not include the
23 things which concern us. The one problem is Gemmell,
24 who might insist on being unnecessarily frank in his
25 written statement. The head of Special Branch consulted

1 the Deputy Chief Constable there and then and said it
2 might be possible to erase these references on the
3 grounds that they harmed national security."

4 So you can immediately see, 9004, that reading this
5 type of material, the concern about trying to limit what
6 people are doing, the erasing of material, it creates
7 the type of suspicion that has dogged this particular
8 subject, and therefore we get into this debate about the
9 line of what's legitimate and what's not legitimate, and
10 it goes on to say:

11 "It was decided that provided the Director and
12 Coordinator of Intelligence and the Director agreed, the
13 DCI Rep Knock and I should see Caskey that same
14 afternoon."

15 So permission was obtained from the more senior
16 officers and a meeting took place:

17 "We met Caskey in the head of Special Branch's
18 office. He was sensible and cooperative. He would
19 interview Gemmell himself and endeavour to keep
20 extraneous matters out of the statement."

21 So the point that I took you to be making is by all
22 means we don't have any issue about the police
23 investigating the things that they need to investigate,
24 but other issues that are not relevant to those
25 inquiries, we don't want them to appear, because that's

1 going to put national security issues at risk.

2 **A. Absolutely. If Gemmell had provided a statement, as we**
3 **were worried he might, that could have focused on**
4 **a wider set of the things that he was engaged with at**
5 **the time, none of which were relevant to Kinchora, as we**
6 **said, but that could still have potentially threatened**
7 **the security of those agents that he was responsible for**
8 **handling.**

9 Q. You can see:

10 "He is going to keep the head of Special Branch
11 informed and we will all consult again after the
12 interview."

13 So everybody is worried, going to try and manage
14 this scenario.

15 "Meanwhile the Assistant Secretary Political will
16 tell the Commander of Land Forces that the address can
17 be provided, but the other questions won't be pursued
18 for the moment and it appears we should be able to keep
19 Caskey's report clean."

20 You can see now, looking at a document written in
21 that way, the implication that comes out of it is, "We
22 are going to keep something hidden", but what
23 I understand you to be saying is what that is is
24 a reference to intelligence matters which are not
25 relevant to Kinchora, they are not going to appear in the

1 report.

2 **A. Absolutely. I think you can see from some of the**
3 **documents that we might get into that throughout this**
4 **entire process we were very keen to make it clear that**
5 **we were not seeking to influence the investigation into**
6 **Kincora itself. In fact, we were keen that**
7 **Superintendent Caskey focus just on Kincora, because**
8 **that was where the criminality had occurred, and we knew**
9 **that we didn't have anything to hide in that respect.**

10 We were worried about things that Gemmell may go on
11 to say about some of the wider intelligence activities
12 that were entirely legitimate and had nothing to do with
13 sexual abuse or homosexuality, that was more, you know,
14 business of relevance to national security at the time.

15 Q. "The problem will not be the public inquiry, if that is
16 what is decided. Caskey does not think this is
17 necessary, as there's nothing much to be revealed, but
18 the political climate may require it."

19 Then if we scroll down, please:

20 "We were obliged in conversation to say rather more
21 to Caskey about Gemmell than we had intended and he
22 knows of his activities and his application to the
23 Service. We did not mention some matters but referred
24 to Security Service intelligence activities. We were
25 all impressed by Caskey, who in turn obviously respected

1 the head of Special Branch. Without bending any rules
2 Caskey will do what the head of Special Branch wants.
3 We emphasised that our sole concern was to ensure that
4 intelligence matters did not receive an airing in
5 public."

6 The context of that is the point you have just made,
7 that there were no intelligence matters that related to
8 the matters that Caskey was investigating, and you
9 didn't want other intelligence matters which had nothing
10 to do with that ending up being caught up in the net.

11 **A. Yes.**

12 Q. And we can see this moving on at 105044. On 19th July
13 then we have a further meeting that happens in the
14 aftermath of Brian Gemmell having been interviewed.

15 If we scroll a little further down, please, I think
16 this is again being written to London from Belfast
17 within MI5 and you have:

18 "He reported in confidence that he and ..."

19 So this is the Army SIB officer is saying that:

20 "... he and Superintendent Caskey had interviewed
21 and took a statement from Brian Gemmell ... that meeting
22 ... during the conversation he had advised Gemmell that
23 he should restrict his comments/answers to Caskey's
24 current investigation. He had added that [a particular
25 individual] was still of use" or "[something] was still

1 of use, thus inferring it was a subject best avoided.

2 At the start of the interview Caskey had explained
3 to Gemmell that he was primarily interested in Gemmell's
4 interview with Roy Garland in 1975 ..."

5 So the very thing we have just been looking at:

6 "... what he had learned and what he did with the
7 information."

8 If we scroll down on to the next page, please:

9 "Gemmell explained that as the Officer Commanding
10 the 123 Intelligence Section within the headquarters of
11 39 Brigade, he had carried out numerous interviews in
12 1975 with individuals who were members of various
13 Loyalist groups in Belfast. One organisation of
14 considerable interest had been Tara. He had been
15 accompanied on a number of occasions by his corporal,
16 who was a member of his Intelligence Section. Through
17 his own 'evangelical' contacts in Belfast, Gemmell had
18 interviewed two prominent Loyalists, first
19 WJ~McCormick", Jim McCormick, as he is known to the
20 Inquiry, "and then through him Roy Garland. (Note both
21 of these men have recently given statements to Caskey
22 and confirmed that these interviews took place.)
23 Garland had told Gemmell the following:

24 That William McGrath was an evil man, a sexual
25 deviant who undoubtedly corrupted the boys in his care.

1 McGrath owed Garland £2000.

2 Garland had married in approximately 1974 and his
3 previous homosexual experiences as a juvenile with
4 McGrath were causing him embarrassment. Gemmell could
5 not elaborate on this.

6 Gemmell said that he saw Garland on two occasions,
7 although it was possible that his corporal might have
8 seen him once more.

9 Following his interview with Garland, Gemmell had
10 produced a four-page Military Intelligence Source Report
11 (MISR), which had a restricted circulation of three
12 copies. He was sure that one copy had gone to ASP Ian
13 Cameron."

14 If we scroll down, please:

15 "He confirmed that there was no mention ..."

16 Just move on up a bit, please:

17 "He commented that throughout ..."

18 No, the other way. That's it. If we just scroll
19 down just a little -- a couple of lines. Thank you.

20 "... throughout the interview Gemmell had appeared
21 relaxed and cooperative. He made no attempt to widen
22 the discussion, but remain content to confine his
23 answers to Caskey's questions, which were centred on
24 Garland. After the interview Caskey was told that his
25 next step was to trace and interview Ian Cameron and the

1 corporal, now sergeant."

2 He did in fairness do that at least in respect of
3 the corporal.

4 "Caskey said that before doing this he proposed
5 discussing the matter at headquarters in the RUC."

6 I think that's potentially a police officer or an
7 MI5 officer:

8 "... has confirmed he saw Caskey with the head of
9 Special Branch on the morning of 19th July. He also
10 wished to find" -- this is Caskey -- "wished to find the
11 MISR produced from the Garland interview and what action
12 was taken on it."

13 Then you can see we have looked at the ASP, this
14 particular paragraph, paragraph 8, where he's gone back
15 to what file he has access to and he is able to see the
16 McCormick interview notes and request for authority to
17 approach Garland, and the response of 4th April, which
18 then -- and he is quoting from it the parameters of the
19 contact that he's permitted to engage in.

20 If we scroll down a little further, please, and
21 there the Garland trail ends:

22 "We have no other papers on him, nor do we know or
23 [another section of MI5] know where the MISR was filed.
24 The Army are now attempting to locate this document.

25 We discussed the proposed interview with [another

1 intelligence officer]."

2 You can see the decision was taken:

3 "Our interests would be best served by not speaking
4 to him privately beforehand. He assessed Caskey to be
5 well aware of our interests in the matter and thought it
6 best to let matters take their course."

7 You can see there is going to be another discussion
8 then that's going to take place on 20th July and someone
9 has got to stand in for the author on that occasion.

10 Then if we can look, please, at 105048. So it's
11 already been communicated as a result of this note that
12 we have just looked at that as a result of the meeting
13 with Gemmell the Superintendent wants to talk to Ian
14 Cameron, and here you have a note recording the --
15 I think this is the MI5 lawyer, the legal adviser:

16 "We were fortunate in being able to contact Ian
17 Cameron. He was about to go abroad on business until
18 the end of August. His movements thereafter are
19 undecided.

20 We suggested that you inform Caskey in confidence
21 that Cameron ..."

22 Just if I pause there and note, 9004, here is part
23 of the problem. They want to convey the information so
24 that Caskey is satisfied he doesn't need to do anymore,
25 but the problem is from a police officer's perspective

1 he wants the thing formally on the record, and that's
2 what we see now through the sequence of events:

3 "We suggest that you inform Caskey in confidence
4 that Cameron:

5 (a) recalls being aware of allegations of McGrath's
6 homosexuality, but not that children were involved.

7 (b) states that he would not have passed vague
8 second or third-hand hearsay allegations of this nature
9 and for which he had no responsibility to the RUC. He
10 cannot recall telling Gemmell to break off contact in
11 this case", ie with Garland, "but although he has no
12 recollection of the matter, thinks it likely that he
13 would have instructed him not to pursue this particular
14 line of enquiry",

15 ie to do with homosexuality I take that to be
16 referring back to:

17 "(c) he cannot recall the MISR in question, but
18 would not have and did not destroy any MISRs."

19 Then:

20 "We would be grateful if you would ask Caskey if he
21 would consult further once he decides what use he wishes
22 to make of this information."

23 So, to summarise, there's been a call made to
24 Ian Cameron to find out what he knows. The content of
25 his recollection is then recorded in this memo by the

1 MI5 lawyer and it's being communicated to Belfast to
2 say, "Will you make the Superintendent aware of this
3 information, but after you have done that if you would
4 ask him if he would consult further and we will talk
5 about it some more until we -- depending on what he
6 wants to do about it".

7 So one of the fundamental issues, and, of course,
8 I smile, because it still permeates any relationship
9 that the Security Service have in these types of matters
10 where information is coming out into the public domain,
11 the issue of control at play, where the information is
12 being passed across, but "Let's talk about it some more
13 and work out what has to happen to that". So concern
14 about how this is going to be dealt with.

15 If we look then, we can see at 105049, please, on
16 5th August 1982 then we have a record of the information
17 that's just been passed across some two weeks before
18 being relayed. You can see:

19 "Following our discussion on 26th July, I gave your
20 views to the head of Special Branch, who said he would
21 have a word with Caskey and then ask me to repeat
22 paragraph 3 of your note", that we have just been
23 looking at, "to Caskey.

24 I heard no more until 4th August, when Caskey phoned
25 from the deputy head of Special Branch's office. Head

1 of Special Branch was away for the day and Caskey was to
2 start leave on 5th. I established that the head of
3 Special Branch had not spoken to Caskey. So I went over
4 to Knock."

5 This is the MI5 officer going over to see the
6 Superintendent:

7 "I explained the problem to the deputy head of
8 Special Branch (who understood the difficulty) and he
9 called in Superintendent Caskey, to whom I explained
10 your principle, that no serving or former member of the
11 Security Service should be interviewed by the police."

12 So you can see that the legal adviser has taken
13 a rigid line, if you like, or a very firm line that you
14 don't talk to the police if you are an intelligence
15 officer. Now I presume the context of that is unless
16 you are the subject of a police inquiry and then that's
17 quite a different matter.

18 **A. I think I would add that caveat to it.**

19 Q. Yes.

20 **A. Also, I mean, we've got a very healthy operational**
21 **relationship with a lot of police up and down the**
22 **country with whom we are talking joint intelligence**
23 **national security business. I think what our legal**
24 **adviser might have been getting at in the sense that**
25 **because there is no means of protecting the identity of**

1 **someone giving a witness statement into a normal police**
2 **inquiry, we have to find some way of protecting the**
3 **staff identity in question.**

4 Q. Then it seems the MI5 officer gave to Superintendent
5 Caskey Ian Cameron's recollections, which were set out
6 in paragraph 3 that we've just looked at from the last
7 memo, and Superintendent Caskey made a number of points
8 then in response:

9 "One of the aspects of the enquiry that he is
10 pursuing is that military intelligence was aware that
11 McGrath was committing criminal offences but they
12 concealed this or did not report it for their own
13 reasons. This, if true, was a criminal offence."

14 Now ultimately, as we know, all of these issues were
15 before the Director of Public Prosecutions in Northern
16 Ireland, who directed no prosecution in respect of them.
17 There were no criminal offences that there was, using
18 the DPP phrase, as you know, sufficient evidence to
19 justify a prosecution. I think it may be no evidence is
20 where this ends up, but the point that is being made
21 here by the police officer is, well, he wants to
22 investigate whether or not there is and that's what he
23 is setting out in 3(a). You can see it is being said:

24 "Garland has alleged this and Wallace has hinted at
25 it to Caskey."

1 If we scroll down, please, on to the next page:

2 "Wallace, however, has not yet ..."

3 This is Colin Wallace we are talking about:

4 "... not yet given a statement, although granted
5 limited immunity by the DPP. He wants the MoD to
6 absolve him from his responsibilities under the Official
7 Secrets Act. (He also says that without returning to
8 Lisburn to examine the records, which he thinks would
9 take several weeks, he can't be much help!)"

10 You may not know this, but at this particular point
11 in time Colin Wallace is in prison in England and wants
12 permission to go to the MoD for a number of weeks to
13 look at their files as a former employee.

14 You can see:

15 "... he can't be much help! Caskey foresees
16 difficulties for the MoD and NIO.

17 ACC Whiteside has agreed that all aspects of
18 military intelligence that Caskey has touched on in his
19 enquiry (Gemmell, Wallace, Cameron, etc) will be in
20 a separate secret report to the DPP."

21 Then:

22 "Cameron's recollections ..."

23 This is still Superintendent Caskey speaking:

24 "Cameron's recollections tie in with what Gemmell
25 said.

1 Gemmell made it clear to Caskey that he did not
2 propose to shoulder the blame for his part in this
3 affair. He stated clearly that Cameron assumed
4 responsibility for action on Gemmell's report. So if at
5 any public enquiry Cameron does not appear, Gemmell
6 could embarrass us.

7 Cameron could be subpoenaed to appear at a public
8 enquiry."

9 So the police officer is saying, "We can make him
10 come". Then the Superintendent says:

11 "He would be prepared to meet the MI5 legal adviser,
12 explain to him what questions he wanted to Ian Cameron
13 to answer and then receive a written statement drawn up
14 by the legal adviser and Ian Cameron."

15 Then it is said he will be returning from leave and
16 would like to meet the legal adviser soon afterwards if
17 the idea is accepted.

18 Then if we scroll down on to the next page, please,
19 you can see:

20 "Caskey made the obvious point that it was important
21 to be honest with the DPP. If he knows the full story,
22 he might agree to omit all references to military
23 intelligence on the public inquiry if they seemed
24 irrelevant, or arrange for that part of the public
25 inquiry to be 'in camera', or arrange for the documents

1 to be seen only by the Chairman."

2 So that's the Superintendent articulating the
3 various ways that the concerns you have could be dealt
4 with. So if the things have to be looked at, then they
5 can be looked at in a way that tries to protect. Here
6 we are many years later trying to achieve something
7 broadly similar.

8 You can see in paragraph 4 then, as happens in these
9 memos, then a view is articulated by the relevant MI5
10 officer as to who he is dealing with.

11 "Caskey was pleasant and understanding throughout,
12 but he did make it clear that he did have to -- that he
13 had to have a statement from Cameron to complete his
14 enquiry."

15 Then it seems that this memo was written after
16 discussion had already taken place with the Director and
17 Coordinator of Intelligence in Belfast:

18 "I hope you will agree to his proposal, which seems
19 a sensible compromise."

20 Apparently the deputy head was a helpful guy.

21 So what we have got is a meeting having taken place,
22 the Superintendent having made it clear as far as he is
23 concerned what has to happen, that tension that's clear
24 and the solution being put forward by Superintendent
25 Caskey as how this could be achieved. That seems to

1 have met with approval, if you like, from the two
2 individuals in Belfast in the sense that, "Hopefully
3 this compromise will be something we can do -- we can
4 operate".

5 Then the story moves on in the documents to
6 1st October 1982. This is an important memo that you --
7 you have drawn attention to the importance of it from
8 the Service's perspective to try and illustrate the
9 point you were making that you were not trying to
10 interfere with a genuine police enquiry into Kincora.

11 I want to look at -- it is at 105052. I know you
12 have it in the body of the statement, but it is easier
13 to read at 105052.

14 This is a note from Bernard Sheldon, who is the
15 legal adviser that we are talking about. It is dated
16 1st October 1982. So he is saying:

17 "At a meeting with the Attorney-General and the
18 Director of Public Prosecutions for Northern Ireland at
19 which the acting legal secretary" -- I think that is of
20 the NIO possibly -- "Mr Steele ..."

21 Maybe not. Maybe that's at the Director of Public
22 Prosecutions:

23 "I referred to the police investigations into
24 Kincora House. I had previously informed the
25 Attorney-General of my intention to do so and had given

1 him a brief description of developments."

2 So not to put a tooth in it, the legal adviser of
3 MI5 has gone to the top law officer in the United
4 Kingdom. That's the level of concern that your Service
5 evidences when your individuals might potentially face
6 exposure.

7 **A. As I understand it, that's the appropriate channel to**
8 **explore any issue where issues to do with the national**
9 **interest have to be weighed against the interests of**
10 **justice. So, you know, I still stand by the -- it's the**
11 **right and proper thing for us to do in this type of**
12 **situation.**

13 Q. Don't take from me trying to summarise it in that way
14 that I am inferring something else. That will be
15 a matter for the Panel in any event, but what I am
16 saying is it is something -- I am trying to illustrate
17 the point you are making, which is this is something
18 that is of critical importance to the work that you do.

19 **A. Yes.**

20 Q. It's not something that's treated in a blasé manner, and
21 here you have the head legal adviser in MI5 speaking to
22 the head law officer about this situation that's arising
23 in the RUC police investigation. I am sure there are
24 similar memos that relate to other similar matters
25 across the United Kingdom, maybe not in terms of sexual

1 abuse happening in a children's home, but where these
2 types of discussions occur, but what's happening, you
3 can see he says that the -- SIB is the Army, the
4 investigations branch:

5 "... in conjunction with the RUC had taken
6 a statement from a former Army intelligence officer to
7 the effect that one of his agents reporting to
8 a different subject had reported on his behalf that
9 McGrath of Kincora was engaged in homosexual activities.
10 He said that he had made a report about this to Ian
11 Cameron, a member ..."

12 I am not indicating the accuracy of -- that he has
13 got the right end of that first phrase, because I don't
14 think there is any suggestion anywhere in the papers
15 that Roy Garland is an agent of Brian Gemmell who he is
16 talking about here. We have looked at the interview
17 that was engaged on a one-off basis with Roy Garland.

18 "... he had made a report about this to Ian Cameron,
19 a member of the Security Service on secondment, who told
20 him to take no further action. I said that the RUC had
21 wished to interview Cameron, who, of course, required
22 authority to make any disclosures which might involve
23 his work. We had seen Cameron, who'd confirmed that,
24 although no longer remembered the details, he had
25 received such a report from the Army officer and would

1 have told him that he should cease collecting
2 information of this sort on the ground that it was not
3 his business. We had asked Cameron whether he had made
4 any report to the RUC, and he said he would have not --
5 he would not have done, so as neither he nor the Army
6 officer had any direct information on the subject and
7 had no means -- and had no means of knowing whether it
8 was true."

9 So we are into what lawyers call hearsay.

10 "I said that this -- I said that this had been
11 reported to the RUC ...",

12 ie the information that Cameron could give had be
13 conveyed to the RUC, and we have looked at a minute
14 recording the doing of that, but goes on to say:

15 "... but we had been unwilling to allow Ian Cameron
16 to make a formal statement. He had no personal
17 knowledge which was relevant to any alleged offence, and
18 if also appeared that the RUC thought that they were
19 collecting evidence for an enquiry as well as
20 investigating criminal offences. If there were other
21 factors which had not been disclosed to us, we would, of
22 course, reconsider the position, and equally if there
23 should be a public enquiry, we would discuss the
24 handling of any relevant information which (sic) might
25 have (and I thought we had none) with those responsible

1 for setting it up. We were not, however, willing to
2 create statements which did not appear to assist in the
3 criminal investigation and which might touch upon the
4 organisation of intelligence in Northern Ireland --
5 particularly as we had no idea who would have access to
6 the statements or whether their creation might not
7 automatically lead to their disclosure in the event of
8 an enquiry."

9 (Videolink disconnected)

10 Q. We have just lost the connection for a moment, members
11 of the Panel. So we will just wait for that to come
12 back.

13 (Videolink reconnected)

14 Q. I think we need to turn our microphone on again. We
15 should be able to hear each other again now and there's
16 --

17 **A. I can hear you quite clearly.**

18 Q. Okay.

19 "We were not, however, willing to create statements
20 which didn't appear to assist in the criminal
21 investigation and which might touch upon the
22 organisation of intelligence in Northern Ireland --
23 particularly as we had no idea who would have access to
24 the statements or whether their creation might not
25 automatically lead to their disclosure in the event of

1 an enquiry."

2 Then he goes on to say:

3 "I said that the Chief Constable had been informed
4 of our position and that I wished the Attorney-General
5 and the DPP to be aware of it, also to facilitate
6 discussions about the handling of any problems of which
7 we were unaware.

8 The Attorney-General commented that any information
9 which Cameron could give would appear to be hearsay upon
10 hearsay. The DPP, Barry Shaw, said that this problem
11 had not been reported to him and he would ascertain the
12 position.

13 After the meeting with the Attorney-General on 24th
14 September", you have got, "Jim Nursaw and Henry Steele
15 told me that Barry Shaw", so that's Barry Shaw, the
16 Director of Public Prosecutions, "had raised the subject
17 again with the Attorney in the interim and appeared to
18 have obtained some sympathy for his attitude. Nursaw
19 said that when he had developed an argument that he
20 needed to know whether Cameron had made a report to
21 people in the Northern Ireland Office where there were
22 some suspects."

23 Now that's a reference to four individuals who were
24 the subject of a media allegation, which Superintendent
25 Caskey then investigated and concluded there was no

1 basis for it, but you can see how at the time of the
2 events those are matters that are alive in the
3 considerations.

4 "Their failure to take action in that event might be
5 significant."

6 So someone is trying to establish whether or not
7 there had been a report back to them and they for their
8 reasons based on the allegations that were being made
9 against them had failed to act.

10 "Nursaw said he regarded this as very far-fetched
11 and had suggested that the police should set out a clear
12 list of questions to which they wished to have answers.
13 He thought that this advice would be followed. I said
14 that we would consider any such request on its merits,
15 but the police would also have to come clean with us
16 about their objectives. If there was a real as opposed
17 to a fanciful problem, we would certainly wish to find
18 ways of helping."

19 That's then signed off by the legal adviser. You in
20 paragraph 38 of your statement, 9004, point to that
21 memo. I take what you are getting at, when properly
22 understood, and it is obviously a memo written by
23 a lawyer, and there are a number of complex nuance
24 issues arising, including the nature of hearsay and so
25 on and so forth, but it's demonstrating you weren't

1 trying to impede the investigation into Kincora. That
2 is the construction that you draw attention to in
3 respect of it, and indicating that, "Well, if there is
4 some issue here, then we'll find some way to help to
5 deal with it".

6 **A. Yes.**

7 Q. That note of 1st October, if we can look at 105054,
8 please, did lead to Jim Nursaw's suggestion being taken
9 up. You can see:

10 "Further to your conversation last week with the
11 Chief Constable about this subject, I forward herewith
12 a report by the officer conducting the police
13 investigation into the Kincora scandal, Superintendent
14 George Caskey.

15 The questions are all relevant ..."

16 So this is an Assistant Chief Constable in the
17 police:

18 "... and clearly define the area of police interest.
19 It may be that if Mr Cameron answers certain questions
20 in a certain way, further unscripted questions may have
21 to be asked in order to clarify some points so raised.
22 I mention this lest there would be any misunderstanding
23 about unscripted questions being asked."

24 So you can see he's keeping open, "Well, these are
25 the questions we want to ask now, but depending on the

1 answers, there may be something more".

2 If we scroll then on to 105055, we then have the
3 report from Superintendent Caskey:

4 "It is essential for the Kincora Inquiry that Mr Ian
5 Cameron is interviewed by the RUC in relation to
6 intelligence concerning Kincora allegedly passed to him
7 by military intelligence officers."

8 So you can see -- it will be a matter for the Panel
9 ultimately -- but you can see what has been said to
10 George Caskey that he wants to investigate is the
11 allegation that intelligence concerning Kincora had been
12 passed to Ian Cameron. Now we have been walking through
13 the documents from the time, but that's what the police
14 officer was wanting to investigate:

15 "I hereby submit a list of questions to be put to
16 Mr Cameron.

17 It will be necessary in the first instance to ask
18 Mr Cameron to provide such personal details ..."

19 Then:

20 "Whilst it is intended to adhere to the list of
21 questions now supplied, answers to these questions may
22 demand a follow-up question or questions."

23 So he is not going to be put off, and he sets out
24 then the thirty questions that he wants answers to. You
25 can see at question 6:

1 "In the course of your duties were you supplied with
2 intelligence by Captain Brian Gemmell?"

3 Then:

4 "Mr Gemmell has alleged that on a Saturday morning
5 that he had a meeting with you in your office when he
6 passed on information he had obtained from Roy Garland.

7 Mr Gemmell has also alleged that this meeting --
8 that at this meeting he passed on to you intelligence
9 provided by Garland, which included information that
10 William McGrath who headed a organisation in -- named
11 Tara was a homosexual and was employed in a boys' home."

12 If we scroll down, please, then:

13 "Mr Gemmell has told the police that you reacted
14 very strongly when you were told of the homosexual
15 involvement of various persons in Tara and that you
16 directed him to terminate his inquiries concerning Tara.

17 Mr Gemmell said that you later reversed this
18 decision.

19 He believed the information was either tape-recorded
20 or someone had taken notes. If it was tape-recorded, is
21 there a recording? Can you identify the person who
22 might have done the recording or took the notes? Where
23 can they be located? Can you assist with the
24 whereabouts of the notes?

25 If you state that these notes or tape-recording are

1 not available, having been destroyed or otherwise
2 disposed of, it will be necessary to pursue this aspect.

3 Did Mr Gemmell identify to you the boys' home in
4 which William McGrath was employed?

5 Were there allegations that McGrath had committed
6 any homosexual offences?

7 To whom or what department did you pass the
8 intelligence concerning homosexuality?

9 If this information was passed to the NIO, to your
10 knowledge was the information misused by anyone in that
11 department? This question is being asked of you because
12 allegations have been made by the media that British
13 civil servants" -- scroll down, please -- "employed in
14 the Northern Ireland Office had been part of
15 a homosexual prostitution ring involving boys in care at
16 Kinchora and other homes run by the Eastern Board.

17 There have been reports circulating amongst
18 journalists that the following people ..."

19 Then he names the Northern Ireland officials and the
20 Inquiry has looked at the information relating to them:

21 "Do you know any of these persons?

22 Are you aware of any intelligence recording
23 homosexuality concerning boys in care in Northern
24 Ireland?

25 Did you meet Roy Garland?"

1 Scroll down, please. Then he is referred to the
2 Halford-MacLeod letter which you are aware of, 9004, and
3 which I have looked at publicly with the Panel, which
4 emanated from the 3 Brigade of the Army in Lurgan, and
5 we've looked at the various sources behind that, which
6 included Roy Garland.

7 "If so, what action did you take?

8 Did you receive any intelligence from any other
9 source and, if so, what action did you take?

10 Are you aware -- are you aware either through your
11 own office or through any other source if such
12 information was passed to the police?

13 Had you any contact with an Army press officer named
14 John Colin Wallace who was employed at the time at Army
15 HQ?"

16 If we scroll further down, please:

17 "In a document purported to have been written by
18 Wallace and sent to the press he alleges that he
19 complained to three senior Army officers in 1974 that
20 a cover-up of the Kincora vice ring was preventing the
21 killers of 10-year-old Brian McDermott from being
22 apprehended. Wallace also alleged that he named three
23 people thought to be linked with the vice ring who were
24 suspected of the killing. Do you have any information
25 about or knowledge of the above allegations?"

1 So that's allegations that were carried in the media
2 that then the Superintendent was trying to investigate
3 in relation to what Colin Wallace was saying.

4 "Do you have any knowledge or information in your
5 possession that could assist the police in their
6 investigations into what has been described as the
7 Kincora sex scandal or the murder of Brian McDermott?"

8 If we scroll down, please, to 105059, we can see
9 I think this is again Bernard Sheldon recording on 3rd
10 November 1982, so three weeks later, and there's
11 a number of events that occur on this date, but:

12 "Having received a message from Ian Cameron that he
13 was about to go abroad for three weeks and wanted to
14 know whether there were any matters I wished to discuss
15 with him, I spoke to him on Monday, 1st November about
16 the questions which the RUC wished to put to him.

17 Cameron had no comments on the first five questions
18 apart from pointing out that his duties were covered by
19 formal terms of reference and agreeing that they
20 illustrated the difficulties which I had anticipated."

21 So that's the personal information questions about
22 -- that would identify him.

23 "He had the following comments on the remaining
24 questions.

25 He agreed that in the course of his duties he

1 received intelligence from Brian Gemmell.

2 He remembered that on some occasion Brian Gemmell
3 had passed him information, but his own recollection was
4 that it came from someone else. He accepted that
5 Gemmell was probably right",

6 that it came from Roy Garland, or he was accepting
7 of that in reflection answering the question, that his
8 recollection may -- his own recollection may be wrong
9 and accepted it may be from Roy Garland.

10 "He agreed that Brian Gemmell had informed him of
11 an allegation that William McGrath was a homosexual, but
12 had no recollection of any reference to a boys' home and
13 didn't -- did not agree that McGrath headed Tara.

14 He agrees that he would have told Brian Gemmell not
15 to pursue the allegation of homosexuality. He was also
16 clear that the Army should not handle investigations in
17 this field which were designed to procure leads to
18 Paisley."

19 So that is the political intelligence being referred
20 to:

21 "He does not accept that he reversed his decision,
22 but is not sure what the police are getting at."

23 That is the reference to the conflation that we were
24 talking about earlier. Then:

25 "The conversation was not tape-recorded so he has no

1 recollection of a secretary or notes ...

2 If a secretary was present, it could have been one
3 of a number, particularly if the meeting took place on a
4 Saturday."

5 Scroll down, please.

6 "He has got no recollection of any reference to
7 a boys' home.

8 He has no recollection of any details and believes
9 that the allegation was merely that McGrath was
10 a homosexual.

11 He believes that this report will have only been
12 seen by his staff.

13 He has no recollection of the information being
14 passed to any Northern Ireland Office staff apart from
15 those in HQNI."

16 Then he explains he doesn't know the individuals in
17 the NIO we were talking about.

18 He then explains in 24:

19 "He remembers MacLeod, whom he describes as
20 something of a cowboy who needed to be held back, but he
21 has no recollection of receiving any information of this
22 sort from him."

23 So that's a reference to the MacLeod letter in
24 January '76.

25 "He only recollects receiving information from

1 Gemmell.

2 Does not believe that information was passed to the
3 police.

4 He had no contact with Wallace either socially or at
5 work.

6 Has no knowledge of anything of the sort."

7 Now based on Ian Cameron's recollection -- and we
8 will come to whether it was passed on and whether that
9 was satisfactory -- but what he is saying is, "I was
10 told William McGrath was a homosexual. I told them, 'We
11 are not interested in that and that shouldn't be passed
12 to the police'".

13 It's already been -- we have seen the point about
14 hearsay in the earlier note, but even if it's hearsay,
15 what I wanted to ask you about, the position of the
16 Security Services, is that something that ought to have
17 been reported to the police in your view, that you'd got
18 information that someone was a homosexual?

19 **A. Only if reporting it was in some way going to further**
20 **the interests of national security. Normally we would**
21 **adopt a very high profile, a very high threshold for**
22 **matters of that sort, but it would have to be a very**
23 **serious crime before we would pass on information of**
24 **that nature to the police to investigate. If it was**
25 **a serious crime, I would expect it to be passed. If it**

1 **was just something as simple as someone's homosexuality,**
2 **frankly even in those days prior to '82 when**
3 **homosexual -- homosexual -- homosexual acts themselves**
4 **were illegal, I don't think that would have crossed the**
5 **threshold.**

6 Q. I think, picking up on what your colleague in the Secret
7 Intelligence Service was saying yesterday, something
8 broadly similar, that serious crime I think is now
9 defined in the legislation that you work with, but these
10 types of matters, as far as your organisations are
11 concerned, how someone conducts their sexuality was not
12 something that would have been of interest and been
13 regarded as something to be reported. If this -- if his
14 recollection as to what he was told is correct --

15 **A. Yes.**

16 Q. -- that's what you would expect?

17 **A. Absolutely do.**

18 Q. If you take that a step further, if he had been told --
19 there's two more points to this. If he had been told
20 that the person was a homosexual and worked in a boys'
21 home and it stopped there -- he is not saying he is told
22 that, but what I am asking you is where do you reach the
23 threshold, because the next step is he is saying, "I am
24 a homosexual. I am working in a boys' home", and
25 there's information that he's abusing boys in his care.

1 So you've got three stages.

2 You have said the first stage, someone is
3 a homosexual, that wouldn't be reported.

4 If the information was, "He is a homosexual and he
5 is working in a boys' home", does that change the
6 position, or does the position not change until
7 presumably the third position, when it definitely does
8 change?

9 **A. I think, as we have said earlier, the number of slurs
10 and innuendos that were being spread around in this
11 field, Cameron would have been conscious that he didn't
12 just want to propagate slurs, and also, you know, in the
13 absence of anything concrete which suggested that abuse
14 was taking place, just the mere fact that someone who
15 happened to be a homosexual was working in a boys' home
16 I don't think would have met that criteria at all.**

17 **Q.** If we move that next step to the third section where the
18 information that was coming that day was, "This man is
19 a homosexual. He is working in a boys' home and it is
20 being said to me that he is abusing boys in his care" --
21 now I appreciate that's not what Ian Cameron recollects
22 and we have looked at the documents from 1975 -- but if
23 that had been said, even in 1975, would that have met
24 the threshold that you would have expected then the
25 matter to be transferred through the channels so that

1 the police were aware of it?

2 **A. It is certainly possible, yes. That would be something**
3 **that I would take to be above the threshold, where real**
4 **harm was being done to an individual.**

5 Q. And there were ways for the information -- I'm -- it's
6 being suggested of me I am asking you to speculate, but
7 you are the Security Service officer and I am trying to
8 understand what the position is. So I am going to ask
9 you and you've explained the position.

10 You think that when you get to -- if you are told
11 that you're homosexual, working in a boys' home and you
12 are sexually abusing that position to sexually abuse
13 someone, then that's over the threshold and it should
14 get reported.

15 That's not what Ian Cameron recollects, but that's
16 what you would have expected to happen if he had been
17 told that?

18 **A. I suppose I should caveat my answers to say that, you**
19 **know, they are just informed by my speculation and, you**
20 **know --**

21 Q. Yes. You are doing your best as the Security Service --

22 **A. Yes.**

23 Q. -- representative to explain what you think the position
24 ought to have been at the time, depending on what the
25 information was that was received.

1 **A. Yes.**

2 Q. This is the information he says he received and the
3 Inquiry has the documents that lie behind that and he is
4 saying, "I wouldn't have reported that", and you are
5 saying you would not have expected him to have reported
6 that.

7 **A. I think I am very happy to go that far.**

8 Q. The next step -- you mention in your statement, 9004 --
9 and maybe we will need to do a little bit more work
10 around this, because it maybe I have just missed the
11 document that evidences it -- but you say in your
12 statement that the document gets passed -- the answers
13 get passed to Northern Ireland, but you are not sure
14 whether they get passed to the police. I think they are
15 certainly not amongst the police papers and Detective
16 Superintendent Caskey says he never saw the answers. It
17 may be, if I am understanding correctly, the gist of the
18 answers was conveyed to the DPP. We certainly haven't
19 found the answers on the DPP file, but there is
20 suggestion that they are at least transferred to
21 Northern Ireland, which may be internal within MI5, and
22 it may be we can't answer that right now and we can look
23 at that further to see. I think there is a document,
24 but it is not referred to in your -- it is not exhibited
25 in the statement, as to the documents transferring

1 across.

2 I think if we look at 4084 -- no, I am wrong about
3 that. Just bear with me for a minute. Yes. It is in
4 paragraph 6 at 4059, 9004, that you say that the legal
5 adviser sent the answers to the Director and Coordinator
6 of Intelligence in Northern Ireland as an attachment to
7 the letter -- to a letter dated 3rd November. I am not
8 sure that we -- I can't find that document to refer to.
9 So we will need to do a little bit more work around that
10 and then I can bring it to the -- unless the Panel would
11 prefer you to come back to deal with it, which I -- may
12 not be the case over this issue, but we will try and get
13 to the bottom of that, but anyway the police position
14 ultimately is that they don't get the answers, and on
15 the same day as those answers are prepared, 3rd
16 November 1982, if we can look, please, at 105061 ...

17 **A. If I might be able to help --**

18 Q. Yes.

19 **A. -- in para 3 --**

20 Q. Can you give me the reference?

21 **A. -- (inaudible) legal adviser it says in relation to DCI**

22 --

23 Q. Can you give me the -- give me the KIN reference, if you
24 would.

25 **A. That's on 105061.**

1 Q. Yes. 10... --

2 **A. Paragraph --**

3 Q. 105061, please. Ah, here we are.

4 **A. Paragraph 3:**

5 "I spoke to him yesterday and attach for your
6 information his comments on and answers to the RUC
7 questions."

8 Q. Okay. So that's where --

9 **A. That's the transition.**

10 Q. That's where it is coming from. Well, if I'd held my
11 tongue for a moment, then we would have got there,
12 because we are going to look at this memo now. So if we
13 scroll up a little bit, please, this is also of 3rd
14 November '82 recording the call with the
15 Attorney-General's legal secretary conveying the views
16 of the DPP NI. So:

17 "Jim Nursaw, the legal secretary to the
18 Attorney-General, spoke to Sir Barry Shaw, the Northern
19 Ireland DPP, last week about the questions which the RUC
20 wished to put to Cameron. He told them that in his view
21 these questions did not properly arise on any
22 investigation.

23 Sir Barry Shaw said he had no knowledge of them and
24 made it plain that he was not behind them. He gave Jim
25 Nursaw to understand that he would not be concerned one

1 way or another whether they were answered. Nursaw did
2 not get an opportunity to speak to Philip Woodfield or
3 Jack Hermon.

4 I have made it plain to Nursaw and to Barry Shaw and
5 the Attorney-General that our unwillingness to authorise
6 Cameron to give a statement should not be taken as
7 meaning that we have anything to hide in connection with
8 homosexual offences or that we wish to be obstructive.
9 We believe that we have nothing to contribute to any
10 criminal investigation and are unwilling to allow
11 statements to be taken from Cameron which will disclose
12 intelligence arrangements to those who have no need to
13 know."

14 Now obviously at the time this is being written the
15 context is in 1982 there is still an insurrection going
16 on that's being dealt with.

17 "We are conscious that once a statement has been
18 taken, we will have no control over who has access to it
19 and that its very existence could cause problems if
20 an enquiry is ordered. If an enquiry is ordered, we
21 would, of course, be in touch with those responsible for
22 arranging evidence for it (this would normally be the
23 Treasury Solicitors) if it was thought that we had some
24 contribution to make. Nursaw has suggested that it
25 might be sensible to explain the position informally to

1 the Chief Constable and to stress that we have no
2 knowledge of criminal offences.

3 By chance Cameron phoned at the end of last week to
4 enquire whether there were any questions I wanted to put
5 to him before he went overseas. I spoke to him
6 yesterday and attach for your information his comments
7 on and answers to the RUC questions. I have also sent
8 this to [another part of MI5] and have asked them to let
9 me know who was aware of the Gemmell report so that we
10 can assess the issues. In logic the RUC would wish to
11 put similar questions to all those who were informed of
12 these pieces of accurate gossip."

13 So that is a letter that records both the transfer
14 of the answers to the DCI in Belfast, but also the views
15 as expressed to the MI5 legal adviser by the
16 Attorney-General's legal secretary that were conveyed to
17 him by the DPP, Sir Barry Shaw.

18 Then we have at 105063 the record of a meeting with
19 the Chief Constable and the MI5 legal adviser and you
20 can see that:

21 "... spoken on 11th November about the efforts to
22 obtain a statement from Ian Cameron.

23 Initially it was clear that Sir Jack Hermon thought
24 that our objections were bureaucratic, but his attitude
25 altered when I deployed the arguments set out in the

1 letter of 3rd November to the DCI and made the point
2 that this line had been cleared with the
3 Attorney-General and his legal secretary. I also told
4 him that the Attorney-General had described the
5 information available to Cameron as hearsay upon hearsay
6 and I stressed the fact that it was in no way specific.
7 Hermon then said that it now appeared that we were
8 seriously concerned that the intelligence effort could
9 be impaired if the RUC were to continue down this road.
10 I confirmed this and invited Hermon's attention to the
11 opening questions in the proposed questionnaire ..."

12 That's the ones seeking personal information.

13 "... and the difficulty Cameron would have dealing
14 with these, now that he was retired, given his
15 obligations under the Official Secrets Act."

16 Then you can see -- I am not sure we -- the Panel
17 have had the opportunity to go through these documents.
18 So I am content not to read them all out for now, if
19 that's ...

20 CHAIRMAN: I don't think that's necessary.

21 MR AIKEN: So we have got that meeting that's occurring. So
22 all of this is going on at the highest level to try to
23 make sure this is dealt with in a way that's
24 satisfactory.

25 On 27th January 1983, if we can look at 105065,

1 there then is a meeting that is taking place between
2 Sir George Terry and the MI5 legal adviser along with
3 Sir George Terry's staff officer, then Detective Chief
4 Inspector Flenley, subsequently Superintendent Flenley.
5 They're appraised of the difficulty and it seems from
6 the sequence of the events in the document that they did
7 not realise the extent of the problem that was then
8 being discussed. We will not go through all of the memo
9 now. We can scroll through the four pages, but it is
10 clear that there was some unhappiness expressed about
11 the lack of knowledge and the position that that
12 created, and the Panel has again the opportunity to see
13 all of that document, including the redacted parts.

14 The -- the sequence of events ends up -- I am not
15 going to bring the letter up now -- in March 1983 with
16 the Assistant Chief Constable, John Whiteside, writing
17 to the Northern Ireland Office and writing to the DPP
18 I think in the end saying, "Well, here is the file. We
19 couldn't speak to the man. We can't get a statement.
20 Over to you", as it were, "with the Attorney-General to
21 sort this out, and we stand ready to assist as and
22 when".

23 So the Superintendent's position did not change. He
24 wanted to complete this loose end, as he described it to
25 the Panel this week, and didn't get to do that, and you

1 have explained the competing reasons that were at play.

2 Is there anything else you want to say about it,
3 9004, or have I covered the main issues that there are?

4 **A. I think you've covered the issues. All I would add is**
5 **that, as I reiterate what I said before, that I don't**
6 **think there's anything, in fact, even in retrospect with**
7 **the benefit of all of the hindsight that we have now**
8 **that strikes me as in any way improper. We were trying**
9 **to go through the right channels to try and balance the**
10 **tension between the two issues that you've outlined.**

11 Q. In paragraphs 72 to 81 of your statement, if we look at
12 4068, and unless there's something here that you want to
13 draw attention to, we looked yesterday with your
14 colleague in the Secret Intelligence Service at the
15 sequence of events involving Brian Gemmell and his
16 meeting with an IJS officer, having lunch and being told
17 about compromising photographs, which, as you've
18 explained in some detail in your statement, were not
19 actually of sexual activity but of being in an area and
20 engaging with men to procure them, indicating clear
21 homosexuality, and being given the impression that that
22 fact of him being homosexual was going to be used as
23 a compromise attempt to recruit him. We looked at the
24 documents that indicated something that Brian Gemmell
25 was not to know, which is there was internal

1 consideration about the issue and it wasn't progressed.

2 The one point that you wanted to draw when we were
3 discussing this and in your statement you address is the
4 issue from an intelligence officer's perspective is
5 likely not so much to have been that he was
6 a homosexual, but the contrast of what he was doing
7 compared to what he ought to have been doing, which
8 would have put him in grave difficulty with his
9 paramilitary colleagues back home, if I can put it like
10 that. Is that a fair summary?

11 **A. It is. It is.**

12 Q. Because the point you were making is he was supposed to
13 be engaged in activity on their behalf and was instead
14 --

15 **A. Yes.**

16 Q. -- off doing this.

17 **A. He was meant to be in London as part of a weapons
18 procurement initiative and that's why we were
19 surveilling him at the time I believe.**

20 Q. And you cover then in paragraphs 82 to 100 of your
21 statement issues relating to James Miller. Again the
22 Panel have already read what you have had to say, 9004,
23 and on Wednesday of this week I looked in the sequence
24 of events at the communication from James Miller in
25 1972, and I opened, as I explained to you last evening

1 when we were speaking, all of the paragraphs where you
2 analyse the information at the time it's given and what
3 you would have expected to happen to it, and you've
4 explained that the nature of that information at the
5 time it was received based on what you know without at
6 that point it being said this was a homosexual would not
7 have in your view caused an intelligence officer to
8 regard that as something of any significance in terms of
9 paramilitaries tended to use violence and that included
10 with the people who were in their organisations, and
11 there was no homosexual connotation at the time that
12 this piece of information is available.

13 **A. I think that's right.**

14 Q. You have also made available, and I covered this with
15 your colleague yesterday -- the fact is that this
16 individual would subsequently speak to the journalist
17 from the Sunday Times in 1987, and we looked yesterday
18 -- and unless you want me to bring up any specific
19 document -- we worked through the media report and then
20 the interview record, and you have produced another
21 document for the assistance of the Panel, which I will
22 just show at 105080, please, which is a note to the
23 Cabinet Office in response to a question about what's
24 gone on here. The author sets out at some length the
25 meeting in the aftermath of the interview that has taken

1 place and what James Miller had to say about Kincora
2 when he was being asked about what was in the newspaper
3 article. The Panel have that information. We looked at
4 it yesterday. We have got this document.

5 Is there anything else you want to say about the
6 James Miller material beyond what you have set out in
7 your statement and what I have described having already
8 done?

9 **A. Only, as I think I do say in my statement, I would**
10 **reiterate that we've been right the way through all the**
11 **documents that we can find that might be relevant, and**
12 **the account that Miller gave to the officials who he met**
13 **on that day (inaudible) our contemporaneous paperwork,**
14 **not the story that subsequently appeared in the Sunday**
15 **Times I think it was.**

16 Q. In paragraph 101 of your statement, which is at 4076 --
17 it begins from 101 to 111 -- and I went through this
18 material again yesterday with your colleague, 9004, and
19 set out the factual details in relation to Sir Maurice
20 Oldfield and looked at the matter based on what the
21 Secret Intelligence Service had in their records and
22 they explained their position to the Inquiry in respect
23 of it.

24 You have explained in your statement that as
25 a result of his homosexuality coming to light in

1 March 1980 MI5 were tasked with carrying out
2 an investigation, and yesterday I brought up the record
3 of interview from March 1980 and we looked in the
4 chamber at the section about the constraints in respect
5 of his time in Northern Ireland, and that was before the
6 allegation which would be made in the media after his
7 death.

8 If I can boil it down to this, a major investigation
9 was conducted by MI5. You have made those papers
10 available to the Inquiry, and that was looking at
11 Sir Maurice Oldfield's whole career and whether national
12 security had been compromised anywhere along the way,
13 and, as I understand it, the position the Security
14 Service are setting out to the Inquiry is there was
15 nothing in any of that major investigation that linked
16 Sir Maurice Oldfield to Kinchora and the sexual abuse of
17 boys in a children's home in Northern Ireland in any
18 way.

19 **A. Nothing whatsoever.**

20 Q. You then address in your statement a similar, though
21 less well-known, allegation potentially, if we look at
22 4077, that was carried in another media article -- if we
23 scroll down, please, to 112 -- which was about another
24 former head of a Service, but this time of the Security
25 Service, a Director General eventually called Sir Howard

1 Smith, and the allegation that he somehow was involved
2 in sexual offences at Kincora or engaged in a cover-up
3 of them.

4 Again you explain to the Inquiry that the individual
5 is not identified, but you found a document which you
6 showed to the Inquiry where one of your officers had
7 considered and thought, "Well, it might be Sir Howard
8 Smith that's being referred to", but you could not
9 necessarily definitely identify him, but the conclusion
10 ultimately that was reached was that there was no basis
11 for Sir Howard Smith being in some way linked to Kincora
12 or engaging in sexual offences with boys or covering
13 them up.

14 **A. That's correct, and the suggestion that -- the reason**
15 **his name was put forward, as I understand it, was purely**
16 **on the basis of a previous career and description of the**
17 **anonymous official in the article.**

18 Q. Then you deal with in your statement -- if we just
19 scroll down, please, on to the next section, you deal
20 with matters relating to Colin Wallace. MI5, as you
21 know, conducted the 1974 leak inquiry for the Army,
22 which resulted in the conclusion that it was Colin
23 Wallace that was leaking classified material to Robert
24 Fisk. On balance they were satisfied -- your
25 organisation was satisfied that that was the position

1 and that was then considered at the highest levels
2 within the Army, and we may need to return to you about
3 matters in that regard next week once the Inquiry has
4 looked at matters relating to the MoD. We may not. We
5 will just have to play that by ear.

6 But you have explained that the position of MI5 in
7 respect of Colin Wallace is set out in the Rucker
8 report, which was looking at all of the allegations
9 around Colin Wallace, and to which the Security Service
10 contributed.

11 **A. Yes.**

12 Q. Is there --

13 **A. Just to be 100% accurate, it was the NIO who originally**
14 **asked us to conduct the leak inquiry that turned out to**
15 **be into Colin Wallace.**

16 Q. And ultimately the result of that then, the decisions
17 were taken --

18 **A. Yes.**

19 Q. -- at the head of the Army. Is that -- that right?

20 **A. Absolutely right.**

21 Q. You then -- what I want to show you is you have
22 a document at 4054. If we can go back to 4054, please.
23 This is of 29th June 1982. It's Figure 10 and it's
24 recording -- it is called a "Loose minute 29th June
25 1982". What I am going to do is go to a better version

1 of it that's available at 105236, please. You can see:

2 "According to HQNI, Gemmell will be shortly be
3 interviewed by an RUC inspector in the course of their
4 criminal enquiries into homosexual activities at the
5 Kincora Boys' Home, the subject of a recent Protestant
6 scandal in the Northern Ireland newspapers. Gemmell
7 himself was not accused of any illegal activity, but
8 a source he ran while in the Intelligence Corps in 1976
9 was alleged to be involved."

10 Now just to be clear, the position of the Security
11 Service, as I -- as it's been explained to the Inquiry,
12 is that there is no evidence that any of its agents were
13 involved in Kincora.

14 **A. Absolutely.**

15 Q. There is a document if we look at -- it's of 8th
16 November 1989 -- 105128, please. An internal
17 investigation has been conducted to contribute to the
18 Rucker report, and you are setting out the position as
19 far as you could find answers in respect of the
20 questions that you were being asked, and you recount
21 then the records of the -- that are recorded on the card
22 that we looked at yesterday and get to the point of --
23 the point where you begin the file.

24 If we scroll down, please. Scroll down on to the
25 next page, please. So this is someone doing a summary,

1 as it were, of the position. You can see it is being
2 said:

3 "Other papers on file confirm that HQNI" -- so the
4 Army -- "were aware that McGrath was connected with Tara
5 and that he was a homosexual. However, I have as yet
6 found nothing to indicate that the RUC were aware of
7 either of these facts."

8 As I was saying yesterday, the RUC were aware of
9 those facts, but the author of this document wasn't
10 aware as to whether that was the position or not.

11 Now the point that we have got to, as I understand
12 the Security Service's position, is the Irish Joint
13 Section did have an agent who knew William McGrath, but
14 you've made their files available to the Inquiry, which
15 reveals that the agent's reporting is about political
16 matters and there's no reporting about Kincora.

17 **A. That's my understanding of the position.**

18 Q. Now what I want to ask you then, 9004, is whether
19 there's anything else that you want to cover that
20 I haven't addressed, or have I covered the main issues
21 that you wanted to convey in your evidence on behalf of
22 the Security Service to the Inquiry?

23 **A. I think you've certainly covered all of the main issues
24 that we were keen to get across to the Panel.**

25 Q. Well, if you bear with me for a short while, the Panel

1 Members may want to ask you something, 9004. So just
2 bear with us for a short while.

3 Questions from THE PANEL

4 CHAIRMAN: 9004, can I just, first of all, deal with the
5 question of records? The position is as Mr Aiken has
6 explained it, but I think it bears repetition because of
7 its importance to the Inquiry, that the Inquiry has been
8 provided with unrestricted access to a significantly
9 larger number of files and documents than those which we
10 have been examining today. Isn't that correct?

11 **A. That is correct.**

12 Q. And when I say "unrestricted access", by that I mean the
13 Inquiry has been able to and has, in fact, examined all
14 of the contents of those files in order to see whether
15 there is something more that may directly or indirectly
16 relate to the issues connected with Kincora that the
17 Inquiry is examining.

18 **A. That's correct. We have made those files available to
19 you and continue to make them available to you until you
20 have completed your work.**

21 Q. You have very helpfully reminded us of the search terms
22 and the position is that you have made files available
23 to the Inquiry, but the Inquiry has pursued a number of
24 matters with your Service, and those documents that the
25 Inquiry has requested have been made available to the

1 Inquiry. Isn't that correct?

2 **A. That's correct.**

3 Q. In unredacted form in every instance?

4 **A. Absolutely, and the Inquiry has been able to check the**
5 **redactions that we made to ensure that we're not**
6 **redacting something that you might consider to be**
7 **absolutely germane.**

8 Q. Yes. Now although we have looked at what may appear,
9 because we are focusing completely on Kincora and
10 McGrath and anything related to those two matters, that
11 there are quite a lot of documents, but if one stands
12 back from the documents we have looked at today, those
13 which the Inquiry considers relevant from your Service,
14 it is the position, is it not, that they are a very
15 small proportion of a very much greater volume of
16 material that relates to the activities of all sorts of
17 groups and individuals in Northern Ireland during the
18 time we are looking at?

19 **A. That's absolutely true. As I indicated earlier, our**
20 **focus on McGrath and Tara, whilst there, was not that**
21 **great. Tara was a potential threat, not an actual**
22 **threat at most stages, and McGrath was a relatively**
23 **peripheral figure to us.**

24 Q. Yes. Just before I ask you to elaborate on him being
25 a relatively peripheral figure, although you did not

1 serve in Northern Ireland during this period of time --
2 in fact, you were not even in the Service -- may I take
3 it that you have, because of this Inquiry and no doubt
4 other matters, at least some understanding of the nature
5 and complexity of the situation in Northern Ireland,
6 particularly in the early 1970s?

7 **A. Yes. In connection with this particular inquiry but**
8 **also with my general responsibility for our policy on**
9 **legacy matters generally I've familiarised myself with**
10 **the role and activities of the Secret Service during**
11 **that period to that extent that I have needed to.**

12 Q. Yes. I am not suggesting that you are an expert on
13 every facet of a remarkably long-lasting and
14 exceptionally complex series of events that have
15 continued over more than forty years, and in some
16 respects are still continuing, but you have very
17 helpfully in your statement pointed out that in some of
18 these early years of the 1970s very large numbers of
19 people were killed. So the reality that many of the
20 population of Northern Ireland who are under the age of
21 fifty perhaps have no personal experience of is that in
22 the early 1970s there was enormous political turmoil in
23 Northern Ireland, and indeed in 1972 the Government of
24 Northern Ireland was suspended when Parliament was
25 prorogued and, as you have reminded us, Direct Rule was

1 imposed and the Northern Ireland Office was created
2 effectively to run the Province.

3 Part of that political turbulence came about or was
4 connected with, to put it in a neutral way, a rapidly
5 increasing climate of exceptional violence, hundreds of
6 people being killed, if one adds up the figures over the
7 first three or four years, vast damage to property in
8 terms of explosions, explosions which caught up innocent
9 people in the streets, who were injured, people who were
10 shot and maimed and street rioting. So in a sense it
11 may be said to resemble at least in part, if not a more
12 dramatic way, some events we have seen in recent weeks:
13 dozens of people being killed in Orlando, dozens of
14 people being killed and hundreds of injured in the
15 Istanbul Airport atrocity of just a few days ago. These
16 in a sense, terrible atrocities though they are, may be
17 said to stand in connection with what was happening in
18 Northern Ireland as individual episodes whereas day by
19 day in Northern Ireland there were killings and murders
20 and bombings and shootings and so on. Is that right?

21 **A. That's correct.**

22 Q. Now the reason I say that is to draw to the forefront of
23 what it is we are looking at today the nature of the
24 political and security turmoil that existed.

25 It is the case, if we look at the Loyalist side,

1 that there were a whole series of organisations
2 springing up: Vanguard Service Corps. They were
3 proscribed, but amongst those organisations that were
4 proscribed, the UVF, the UDA, mass numbers of masked men
5 on the streets obstructing traffic and matters of that
6 sort.

7 As I understand it, your Service and colleagues in
8 the Irish Joint Section were concerned to assess and
9 give advice to the Secretary of State on the strategic
10 aspects of those matters, which may have a national
11 security impact.

12 **A. Very much so.**

13 Q. And when I say "may have", not just what, say,
14 a terrorist organisation like the UVF was doing, but
15 what other organisations might, depending on the way
16 they were developing, do in the future.

17 **A. Yes, and that was why we had that interest in Tara as
18 one of those potential organisations.**

19 Q. But if one has to either rank or grade where Tara felt
20 on that spectrum of mushroom organisations, I understand
21 your position to be that it was relatively peripheral.

22 **A. Yes, in the sense that Tara never actually got drawn
23 into what could be a terrorist campaign and was largely
24 a latent threat, which ended up effectively disappearing
25 I think.**

1 Q. Yes.

2 **A. There were many more organisations that were far more**
3 **active and far more deadly that we would have been**
4 **concentrating on at the same time.**

5 Q. I used the word "mushroom" advisedly, because some of
6 these organisations sprang up with extreme rapidity, and
7 therefore I presume your Service had to do what it could
8 to find out who was running them, what they were doing
9 and what their objectives were?

10 **A. I think that's fair to say, yes.**

11 Q. And so far as McGrath is concerned, we know from the
12 documents we have been examining that he was described
13 as the Commanding Officer of this organisation, and you
14 have referred to him I think as a relatively peripheral
15 figure. Is that -- that's your assessment of the way he
16 appeared to the Service, looking back at it?

17 **A. Well, in terms of the period that we were looking at,**
18 **you know, I think it is right to point out that we only**
19 **got round to making a file on him in 1977, and looking**
20 **at that file, he was never the subject of, you know,**
21 **intensive activity as I can see in terms of**
22 **investigation.**

23 Q. And in that context not only was it not until 1977 that
24 you identified -- opened a file on him -- I say "you";
25 your Service -- but it appears from the timeline we have

1 examined over previous days that it took two years and
2 five months from June 1971 to November 1983 (sic) for
3 your Service to be aware of all of the details of who
4 this man McGrath was. If I have understood the chain of
5 events, you get his name, but only the surname. For
6 a long time it is not clear what his christian name is.
7 Photographs are obtained and it turns out he is not the
8 person in the photographs, and then piece by piece
9 another fragment is obtained, and it is not until the
10 RUC send you in 1973 his full name, his date of birth,
11 his address, his national insurance number and where he
12 is working that the complete picture of who McGrath is
13 is completed. Is that the case?

14 **A. I think that's broadly fair, yes. It certainly wasn't**
15 **until we received communication from the RUC that we**
16 **were aware of his date of birth and his place of work.**

17 Q. And it is not until quite well on into the 1970s that
18 there is some discussion possibly of penetrating Tara.
19 Is that right?

20 **A. Yes. We were looking for other sources who could assist**
21 **us with developing intelligence on Tara's activities.**

22 Q. Yes. Now in relation to intelligence generally speaking
23 is it a fair observation to say that the quality of
24 material that can be obtained can vary enormously? You
25 may have a whole series of small fragments, which, when

1 you put them together like a mosaic, create a picture,
2 or you may have a combination of information which
3 might, on the one hand, have fragments and, on the other
4 hand, might be somebody walking into one of your offices
5 with a briefcase full of documents they have taken out
6 of an organisation that you are very interested in
7 indeed. So there's an enormous spectrum of the nature
8 of information that you have to look at. Is that right?

9 **A. That's correct, yes.**

10 Q. And would it be a fair comment to say that there are
11 people whom agencies such as yours are interested in who
12 may sometimes try to create an impression that they are
13 more important and more significant than an objective
14 assessment would agree?

15 **A. I think that certainly happened on more than one
16 occasion to my knowledge.**

17 Q. Finally, you have referred to the documents you have and
18 essentially your position -- and by that I mean your
19 Service -- is what the Inquiry has seen is everything
20 that can conceivably relate to Kinchora. Isn't that
21 right?

22 **A. I think it would be fairer to say that it is everything
23 that we managed to identify that we could conceivably
24 relate to Kinchora.**

25 Q. That leads me to the last question and it is this.

1 Perhaps it is more of a comment. If a document has been
2 misfiled, is it like trying to find a needle in a field
3 of haystacks?

4 **A. It can be, I am afraid.**

5 Q. Thank you very much.

6 Well, 9004, thank you very much. It has taken quite
7 a long time, but we are very grateful to you for
8 assisting the Inquiry today.

9 **A. Thank you, Mr Chairman.**

10 MR AIKEN: We are going to terminate the connection now.

11 (Videolink disconnected)

12 CHAIRMAN: 2.30, ladies and gentlemen.

13 (1.25 pm)

14 (Lunch break)

15 (2.30 pm)

16 DCS GEORGE CLARKE (called)

17 CHAIRMAN: Yes, Mr Aiken.

18 MR AIKEN: Chairman, the next witness today is Detective
19 Chief Superintendent George Clarke, who is aware that
20 you are going to ask him to take the oath.

21 DCS GEORGE CLARKE (sworn)

22 CHAIRMAN: Thank you. Please sit down, Mr Clarke.

23 **A. Thank you, sir.**

24 **Questions from COUNSEL TO THE INQUIRY**

25 MR AIKEN: Detective Chief Superintendent, we have reached

1 Module 15 of the Inquiry's public hearings that have
2 progressed over -- I am not sure what the number is but
3 beyond 200 days of public hearings.

4 CHAIRMAN: 219 today.

5 MR AIKEN: 219 days, none of which I am getting back, and
6 the -- I think you are probably the most senior officer
7 to come in front of the Inquiry during the course of our
8 work, and obviously you have been on behalf of the
9 Police Service of Northern Ireland addressing the
10 significance issues that there are in respect of matters
11 relating to Kincora and police failures that you have
12 identified on behalf of the Police Service and which the
13 Inquiry has been looking at over the course of the last
14 number of days, but before we look at that you are
15 aware, because you have been part of, you though dealing
16 specifically with Kincora, but part of the wider effort
17 within The Police Service of Northern Ireland to assist
18 and facilitate the Inquiry --

19 **A. That's correct, sir.**

20 Q. -- with its work. What may not be well understood is
21 the HIA police support team, as I think it's called, and
22 the personnel that staff it, who have been finding,
23 chasing, relying, knocking on doors to assist the
24 Inquiry within its tight time frame to get its work done
25 effectively.

1 The witness statement that is on the screen now is
2 that from Assistant Chief Constable Mark Hamilton, which
3 relates to the provision of documents in respect of
4 Kincora, but as you are aware, throughout every module
5 The Police Service of Northern Ireland has been
6 providing vast quantities of material that it has gone,
7 found and produced --

8 **A. Yes, sir.**

9 Q. -- to the Inquiry. If I can summarise it this way and
10 you can then say further to it what you wish, but the
11 position of the Chief Constable from the outset and of
12 those who have been required to engage with the Inquiry
13 from The Police Service has been to provide the Inquiry
14 with the fullest possible cooperation, not only because
15 you are obliged to do that under the orders that the
16 Inquiry can make as necessary, but because that was the
17 decision that was made by The Police Service of Northern
18 Ireland in respect of this Inquiry.

19 **A. That's correct, sir. The position of the Police Service**
20 **and the Chief Constable has been to be utterly**
21 **transparent and completely cooperative with this Inquiry**
22 **in supplying and addressing any inquiry or any question**
23 **that this Inquiry puts and supplying any documents to**
24 **that Inquiry.**

25 Q. What we are looking at -- we have obviously been hearing

1 from the Secret Intelligence Service and the Security
2 Service, and you in your position will know that where
3 intelligence matters are involved, difficult issues can
4 be at play, and therefore we have worked architecture,
5 if I can put it that way, in respect of Kincora where
6 the Assistant Chief Constable has provided an open
7 statement confirming the material that has been provided
8 and that's all the material that can be found. I know
9 even in recent days, as the statement makes clear,
10 continued investigations will be done to unearth
11 anything more that can be unearthed as matters
12 crystallise, but in addition this statement makes
13 reference to a closed statement, which is explaining the
14 material that would be marked "Secret" and above that
15 The Police Service has made available to the Inquiry.
16 That statement, as I have said, in respect of the
17 intelligence agencies will be maintained in the
18 Inquiry's secret file.

19 So in addition to the material that's been openly
20 disclosed, in addition anything the Inquiry wish to see
21 from the Special Branch records, using search terms
22 provided by the Inquiry, and then proactively the Police
23 Service identifying anything of relevance that they
24 held, that material has also been made available from
25 the intelligence arm of the Police Service.

1 **A. That's correct, sir.**

2 Q. And the cooperation will continue until we get to the
3 end of this.

4 **A. Absolutely.**

5 Q. So we have the Assistant Chief Constable's statement in
6 relation to the material that has been provided, but in
7 addition to that, Detective Chief Superintendent, if we
8 look at 1527, please, we will find on the screen the
9 first page of your first witness statement. Can I ask
10 you just to confirm you recognise that as the first page
11 of your statement of 20th May?

12 **A. It is, sir, yes.**

13 Q. And if we move through to 1604, which is page 78 of your
14 first narrative statement, you can confirm you recognise
15 that page and your signature?

16 **A. That is correct, sir, yes.**

17 Q. And you wish to adopt this statement as part of your
18 evidence to the Inquiry?

19 **A. Yes.**

20 Q. And with that if we move through to 1605, please, is
21 a series of -- it's not my role to give evidence, but if
22 I summarise it in this way -- extremely detailed
23 exhibits that run right through to 1775. I think we get
24 to GC16 -- 14 perhaps. Yes, 14. So GC1 through to
25 GC14, which contain significant amounts of analysis that

1 have been conducted by you and your team, which includes
2 police analysts.

3 **A. That's correct, sir.**

4 Q. And to -- it's difficult to summarise the extent of that
5 work in a couple of sentences, but if I can put it this
6 way, they have been tasked with bringing together,
7 collating and analysing under themes essentially and
8 biographies in respect of the key issues and key
9 individuals that arise in respect of the Kincora story
10 as far as it's within the police knowledge --

11 **A. Uh-huh.**

12 Q. -- and that analysis has then been collated into the
13 exhibits, which have been attached to your statement,
14 and have then been drawn on by you in your narrative to
15 explain --

16 **A. Yes.**

17 Q. -- the police position.

18 **A. Yes.**

19 Q. And those analysts include the much put upon, as
20 I understand it, Maeve Kennedy and Suzanne McAuley, who
21 have been together -- I think they are senior police
22 analysts who have been working on this project along
23 with you for quite some time now, if I put it like that.

24 **A. That would be very fair, sir.**

25 Q. And in addition to your first statement -- and the Panel

1 have had the opportunity to consider that, and I know,
2 and no doubt they will indicate themselves, have found
3 the way it is set out and the exhibits that are provided
4 to support it helpful in trying to get to grips with
5 what is a vast subject by the time all is said and done
6 -- and in addition to your first statement then you have
7 provided for the benefit of the Inquiry a second witness
8 statement. If we can look, please, at 1808, and again
9 if I can ask you, Detective Chief Superintendent, you
10 recognise that as the first page of your second witness
11 statement?

12 **A. It is, sir, yes.**

13 Q. And then if we can move through, please, to 1857, you
14 will recognise that as the last page of your second
15 statement and can you confirm that you have signed that
16 statement?

17 **A. I have, sir, yes.**

18 Q. And you wish to adopt its contents as part of your
19 evidence to the Inquiry?

20 **A. Yes.**

21 Q. And then that statement also has exhibits attaching to
22 it. If we move through to 1858, please, we have GC11,
23 which augments GC11 that's in the first statement, which
24 is looking specifically at the 8th November '74 document
25 --

1 **A. Yes.**

2 Q. -- at least that's the date on the document -- authored
3 by Colin Wallace, and then the exhibits move through in
4 terms of numbering -- we get to at least GC15, but I am
5 trying to make sure -- I think we get to GC15 at the end
6 of the second statement, but we might need to ...

7 **A. I think, sir, we reach 20.**

8 Q. We reach 20 in the end. I'm going to come to 18, 19,
9 and 20. I'm moving -- Ah! We might need to have a
10 little look for 16 and 17, if we can -- you can help me
11 with that, but leave that with me for now, because in
12 addition to the two statements and the exhibits attached
13 to them, whatever number we get to, you have provided
14 then three further exhibits as part of continued work to
15 look at specific matters.

16 So if we can look at 1896, please, we have
17 an exhibit that's GC18, which is a profile that you
18 provided to assist the Inquiry Panel in respect of now
19 deceased former Assistant Chief Constable Bill Meharg,
20 and then GC18 -- GC19, which begins at page 1900, if we
21 can look at that, please, is a similar biographical
22 compilation in respect of retired Detective Constable
23 James Cullen.

24 **A. Yes. That's correct, sir.**

25 Q. Then as part of a developing issue that we haven't got

1 to the end of yet, but which we are continuing to work
2 on, is GC20, if we can look at 1919, please, and this is
3 not the final police position in respect of this matter,
4 but it's an attempt to bring together and collate and
5 endeavour to understand what has happened with
6 a particular set of documents --

7 **A. Yes.**

8 Q. -- in 1980 through 1982 to 1985, and that runs from 1919
9 to 1942, and you want to adopt those documents as part
10 of your overall evidence to the Inquiry as well?

11 **A. Yes, sir, with the note that GC20 is, as you say, a
12 fluid and living document.**

13 Q. It's a --

14 **A. So it's not yet complete.**

15 Q. We are been moving at quite some pace to endeavour to
16 get to the bottom of that particular issue and that's
17 something that we will return to.

18 **A. Sir.**

19 Q. The -- in your first statement, Detective Chief
20 Superintendent -- I should make clear don't read
21 anything into your giving evidence on Friday afternoon
22 -- but I don't intend to pour over with you the detail
23 that you have provided for the Inquiry. In due course
24 the statement will be publicly available. The Panel
25 have considered it, and I want to just highlight some of

1 the key issues that you address.

2 **A. Yes, sir.**

3 Q. The -- before I do that I want to make clear you joined
4 the RUC in 1994.

5 **A. Yes, sir.**

6 Q. So while you are Detective Chief Superintendent
7 appearing on behalf of the Police Service of Northern
8 Ireland, as it now is, and answering questions on The
9 Police Service's behalf in respect of Kincora, you
10 yourself played no part in the events before 1980 or any
11 of the investigative work that was done post 1980.

12 **A. Sir, my involvement with Kincora has been limited to
13 preparing for this Inquiry.**

14 Q. And, therefore, what you are in a position to do is to
15 look at the material that's available with your team and
16 set out for the Inquiry what those findings are based on
17 that work.

18 **A. Yes.**

19 Q. And you -- we obviously, as you know, heard from now
20 retired Detective Chief Superintendent George Caskey
21 earlier in the week, and you analyse his police
22 investigation --

23 **A. Yes.**

24 Q. -- in your first statement. If I can take the broad
25 conclusion of that, there's some adjusting of the maths,

1 as it were --

2 **A. Yes.**

3 Q. -- as to the number of people who ultimately were
4 traced, but if I can describe it in this way: in the
5 analysis that was conducted there were no real loose
6 ends left in terms of tracing potential individuals who
7 could be said to have been abused.

8 **A. That's absolutely right, sir.**

9 Q. While there were from the statements -- I think we ended
10 up with six or possibly seven individuals that could be
11 said to be unidentified as potentially having abused
12 someone, when you look at the specific instances --
13 that's the unidentified student who made a remark to one
14 person or made a gesture towards them in the bathroom
15 one day -- it's not a one or two individuals said to
16 have been abusing a number of people. They are very
17 isolated incidents --

18 **A. That's a correct analysis.**

19 Q. -- where the person who is saying something is
20 describing a single individual --

21 **A. Yes.**

22 Q. -- that can't be positively identified.

23 **A. And a number of the unidentifieds are also people whom**
24 **the victims are able to give very little detail about,**
25 **but typically it is someone who is believed to have been**

1 **a former resident or someone whose believed to have**
2 **worked in the home.**

3 Q. And the result of that analysis allows you to state with
4 confidence, looking back at the -- what we will call the
5 Caskey Inquiry, that it appears to have been entirely
6 effective in identifying those who claim to have been
7 abused and ultimately ending up with the prosecution of
8 those who were said to have done the abusing.

9 **A. Yes.**

10 Q. You are probably aware during the first week, as I laid
11 out, giving voice to the victims, what the residents had
12 to say both from the police material between '80 and
13 '85, but then subsequently in further matters complained
14 of to police in more recent times, and indeed in other
15 material available to the Inquiry, it doesn't appear to
16 be the case that there's any pattern of other individual
17 beyond the three main staff members --

18 **A. Yes.**

19 Q. -- who engaged in abuse who were -- who could be
20 identified as being involved in the systematic abuse of
21 boys in Kincora.

22 **A. That's a correct analysis, sir, yes.**

23 Q. So it's not that -- one of the points that I want you to
24 address -- it is not that, as is sometimes the case with
25 a police investigation, where the matter goes to the DPP

1 and there's some evidence of something but it's not
2 going to meet the evidential test in order for there to
3 be sufficient evidence for there to be a prosecution; it
4 is that there's no evidence of that wider involvement of
5 other people.

6 **A. I think, sir, that's the language almost attaching to**
7 **a ring, and there's no evidence of that, and when you**
8 **look at what the victims have said -- and I have read**
9 **all their statements -- none of them are alleging that**
10 **type of activity. It's very hard to disagree with**
11 **what -- now I didn't see Mr Caskey's evidence, but**
12 **certainly looking at what Mr Caskey said at the time and**
13 **looking at what we have found, I have seen nothing to**
14 **cause me to believe that any boy experienced abuse in**
15 **that way or there is any evidence of a ring of that**
16 **type. The evidence does point to the vast, vast**
17 **majority of the abuse being carried out by three men and**
18 **those three men acting as individuals at the time of**
19 **abuse.**

20 **Q. When you say "vast majority", that's not quite 100%.**
21 **The bit beyond the vast majority, is it fair to say that**
22 **it appears to be that the others who might be said to**
23 **have abused boys who lived in Kincora were themselves**
24 **former residents, some of whom were themselves abused?**
25 **We can call it "the returning ex-resident", as it were**

1 --

2 **A. Yes.**

3 Q. -- and when you piece together the jigsaw, as I was
4 endeavouring to do in the first week, and the analysts
5 with you have done, it doesn't seem that anybody is
6 missed out. It all fits together. Is that a fair way
7 of describing it?

8 **A. Yes.**

9 Q. Just in looking at the DPP evidential test again in the
10 context of -- you are aware that when -- Caskey Two, as
11 it were, or Phase Two involves the allegations, which
12 are then also looked at by Terry, of establishment
13 figures coming into Kinchora or boys being taken out to
14 them, and that term "establishment figures" is given
15 feet as policemen, Justices of the Peace, businessmen,
16 politicians. It's again, if I understand the position
17 that you reach on behalf of the Police Service, having
18 effectively I will not say reinvestigated but you've
19 investigated the investigations --

20 **A. Uh-huh.**

21 Q. -- to come before the Inquiry, it is not that there was
22 some evidence that boys were saying, "Oh, that
23 particular guy did that", but you reach a point of,
24 "Well, I don't think there's going to be sufficient
25 evidence to meet a prosecution in that regard". The

1 position through the material is that nobody was saying
2 that. It is that there was no evidence of politicians,
3 policemen, Justices of the Peace involved in some sort
4 of prostitution racket, however one wants to define it,
5 involving the boys of Kincora.

6 **A. When -- when one looks, sir, at the boys who are**
7 **identified subsequently post the Caskey investigations**
8 **as not having had their abusers prosecuted -- that's set**
9 **out I think towards the end of my first statement -- we**
10 **reach a stage where we identify six boys I believe who**
11 **have not had their abuser prosecuted, but those are**
12 **abuse by unidentified people.**

13 In that body there is I think a reference to one
14 episode of abuse which involved someone wearing a police
15 officer's uniform. We were never able to establish who
16 that was. That is the only reference to The Police
17 Service, RUC or PSNI, that I have ever found. There is
18 no evidence of the establishment type activity that you
19 describe.

20 Additionally, sir, there are only two episodes of
21 abuse -- I believe they are set out again in my first
22 statement -- that occur outside of Kincora or
23 a Kincora-based activity.

24 **Q.** Just taking the first one of those that you mentioned,
25 which is the reference to the police officer, that is

1 the account also which attributes in more recent times
2 two members of Kincora staff acting together --

3 **A. Yes.**

4 Q. -- taking an individual to a house where a police
5 officer is to be found, and then all four engaging in
6 some form of activity, and is it fair to say certainly
7 through the 1980 Inquiry and indeed any other Inquiry
8 that's had to take place since then no-one has ever made
9 the case in the vast swathes of people who were
10 interviewed that any of these three individuals from the
11 home in concert engaged in that way by taking them out
12 to another person?

13 **A. It's the only episode that I can recall where two of the**
14 **abusers have acted in tandem and it's in an allegation.**

15 Q. So that -- it's a matter for the Panel ultimately and
16 you are not expressing a view on it -- but if I can ask
17 you in this way: that description is entirely out of
18 alignment with the pattern that appears to emerge
19 through the rest of the evidence?

20 **A. Yes.**

21 Q. Now there are, as you have heard me say, Detective Chief
22 Superintendent, three main issues that relate to the
23 approach of the RUC prior to January 1980. So you have
24 expressed your view on behalf of the Police Service
25 about the effectiveness of the investigation post that

1 newspaper article --

2 **A. Yes.**

3 Q. -- but there are three issues that arise pre that
4 article.

5 The first relates to the anonymous telephone call
6 that was made over the confidential telephone system,
7 the Robophone system, as it was known, on 23rd May 1973.
8 What I want to ask you in the first instance was -- you
9 have explained you were not involved in the 1970s; you
10 were not a police officer then -- but can you give the
11 Panel some idea of the difficulty presented to police
12 officers trying to investigate a potential crime if the
13 information is anonymous?

14 **A. If the information is anonymous, you cannot draw any
15 conclusion as to the veracity of the person providing
16 that information. You have to be very careful that you
17 are not dealing with, for example, a report that is
18 being made for a malign purpose. It may be a rumour.
19 It may be a spiteful rumour. It may, of course, equally
20 be fact, and as such an intelligent approach has got to
21 be taken to it.**

22 The key difficulty with anything that is anonymous
23 is that you do not know the bona fides of the person
24 making it. Secondly, you cannot go back to that person
25 and obtain further detail or clarity as to exactly what

1 they may mean by any particular word or turn of phrase
2 or mode of expression, and you cannot go back to them
3 and obtain further information.

4 Typically if one has a witness, one can take
5 a statement from that witness, ensure that you fully
6 understand what they are saying before you complete
7 recording it. You can then go and take investigative
8 steps and perhaps return to that witness and say, "You
9 have said that this happened on such and such a date.
10 That can't be quite right, but could it be the case that
11 ...", and to do that properly would enable you to
12 develop your evidential piece, to develop your
13 understanding.

14 An anonymous piece of information starts and stops,
15 cannot be expanded upon and cannot be clarified, and is
16 open to indeed being an exaggeration, a rumour or
17 something that someone wishes to get a point across
18 rather than being evidence.

19 Q. Just taking that to its logical conclusion, a point that
20 you do make, if I have understood it correctly, in your
21 statement is that if one were to speculate and say
22 Constable Long that day goes along to Kincora and
23 arrests William McGrath and takes him to a police
24 station for interview -- now leave out of account
25 whether you could justifiably have reasonable suspicion

1 based on an anonymous call and so on; let us assume that
2 is the case -- and he puts to the person he has arrested
3 these allegations, now you may tell me that would be a
4 very dangerous thing for a police officer to do, because
5 he's got no -- nothing coming behind it to support what
6 he's doing, but if the person who is facing that course
7 decides just to say, "No, it's not true", just deny the
8 position --

9 **A. Uh-huh.**

10 Q. -- because ultimately William McGrath's position was,
11 when faced with a litany of allegations, which
12 he ultimately pleaded guilty to on the second day of his
13 trial, but throughout prolonged -- because I have read
14 them, as you have -- detailed interviews, which involved
15 bringing in some, though, as we found out, not all
16 extraneous material that might have weakened his
17 resolve, his position remained one of denial and that
18 was the end of it.

19 If one imported that back to Constable Long under
20 the thesis that he had brought in William McGrath, who
21 simply refused to concede -- now it may, in fact, be at
22 the time he was going to Kincora William McGrath had not
23 yet begun to interfere with the boys there -- but where
24 else could a police officer then go?

25 **A. Well, if you have a man in front of you and that man is**

1 resolved to not make any form of admission -- and
2 McGrath was clearly quite a practised liar, because
3 throughout this chain and series of events he is on
4 a number of occasions interviewed by a number of bodies
5 of varying degrees of power. He is spoken to by members
6 of Social Service staff. He is spoken to by police
7 officers. He is spoken in the course of their
8 responding to anonymous complaint or allegation, as is
9 the case, I believe with Social Services, but also when
10 he is in custody, when he has been arrested, he
11 maintains an absolute denial right up until the day of
12 his entering a plea of guilty. So he is not a man who
13 is going to roll over when confronted by a very short
14 and specific piece of anonymous information, which he
15 can relatively easily negate with by simply denying,
16 because Constable Long or anyone to whom that anonymous
17 information was given would have had the content of that
18 anonymous call to put to Mr McGrath. They would not
19 have been able to expand on it in any more detail. He
20 would have been able to robustly meet that form of
21 challenge.

22 I think as well, sir, the other issue with Constable
23 Long would have been that, of course, when he attended
24 Kincora, he is met by a man who essentially vouches for
25 William McGrath and gives Mr McGrath a clean bill of

1 health. So not only, sir, would Constable Long have had
2 to work and carry out and make his arrest and his
3 detention and interview, or anyone making that arrest,
4 detention and interview, on the back of that anonymous
5 information; they would also have been faced with the
6 fact that they had a witness, to them a man of
7 credibility and credit, who is saying, "This is not the
8 sort of thing that this man would be doing. He is
9 a decent and respectable man". Given that Constable
10 Long has no reason to doubt who that man is -- and the
11 man I am referring to is Mains -- he has no reason to
12 actually go after McGrath. Everything that he is
13 concerned about is being met and addressed by a man who
14 to Long is a credit, a man who is the housefather,
15 a senior man caring for boys and working in a boys'
16 home, a man on whose opinion he can base his actions.

17 Q. So the position one ends up with with the '73 anonymous
18 call, just to be clear, there was no bas... -- you
19 wouldn't have -- as a police officer you wouldn't have
20 arrested --

21 A. Oh, absolutely not, sir, no. Sorry. To be clear, that
22 would not be (inaudible.)

23 Q. I know you are saying that. I just want to make sure
24 that's on the record. What you are explaining is you
25 just would not have done that based on anonymous

1 information. That's not how --

2 **A. It is very much, sir, an "even if", and you would not**
3 **have done.**

4 Q. And the scenario is Constable Long goes and makes what,
5 as I understand you are saying in your statement,
6 a reasonable enquiry of the head of the home, who is
7 working overseeing that man, and the response that he
8 receives is -- based on that, with the knowledge that
9 Constable Long is infused with, or perhaps more
10 importantly the knowledge he doesn't have, his reaction
11 and the manner in which this is dealt with is not
12 something you on behalf of the Police Service criticise,
13 having looked at the matter again?

14 **A. Sir, I think what Constable Long does is eminently**
15 **reasonable, given what he knew. I think it's very**
16 **difficult for us not to be encumbered with what we know**
17 **and to look at it and consider that perhaps we wish he**
18 **had done something different, but there would be no**
19 **policing reason whatsoever for Long to have done**
20 **anything different.**

21 Q. The two issues that spring up in relation to the
22 anonymous call -- and we will maybe take the easier one
23 first. You explain in considerable detail, because it's
24 part of your role now as the Detective Chief
25 Superintendent, that information sharing is an entirely

1 normal part of life now.

2 **A. Yes.**

3 Q. So the sequence of events here, if someone was to make
4 that Crimestoppers call today about an employee of one
5 of the Trusts in a children's home, as well as the
6 police doing whatever the police deemed appropriate in
7 policing terms, there will be a mechanism for that
8 information to be conveyed to the authorities of the
9 individual who is working in the Trust home.

10 **A. The world in which we protect children now is night and**
11 **day difference from what we are discussing in 1973, '74,**
12 **'75. A lot of the police response to child abuse and**
13 **child protection emerges after 1987 with various things,**
14 **including the Cleveland incidents.**

15 So the situation now would be that we would have,
16 first of all, staff who are vetted and checked in
17 a different way than they would be then, and we have
18 routine and consistent information sharing between the
19 Social Service Trusts and the Police Service. We have
20 information-sharing agreements, but more than having
21 agreements, we actually have practices.

22 For example, we will have embedded social workers.
23 We will -- who are -- sorry. I am lapsing into jargon.
24 We have social workers who are positioned within police
25 stations and they are working very much as part of joint

1 child protection investigation teams.

2 So the exchange of information is routine and is to
3 be expected. If that situation were to happen today,
4 where an anonymous allegation was made against someone
5 else working in a children's home, the response would
6 involve a joint response.

7 I think the other point or one of the points that
8 I go on to make in my statement is in the 1970s, when,
9 as you say, I was not a police officer, but it is clear
10 that in the 1970s the approach of the police would have
11 been the investigation of crime. It is rather more
12 subtle now and would be much more around the paramountcy
13 of the interests of the child and issues around
14 safeguarding, which go hand in glove with investigation
15 but certainly bring a different approach.

16 Now we would not send a uniformed constable to
17 respond to an allegation of that type at a children's
18 home. We certainly would not come away from
19 an allegation of that type with it being written off by
20 simply another employee of that same children's home,
21 and we certainly would not reach a situation in which we
22 could not be confident that appropriate safeguarding
23 steps were being taken about the suitability of the
24 person in respect of whom that call had been made
25 continuing to work in a children's home.

1 Q. Just to be clear, Detective Chief Superintendent, the
2 standard that was operated by the RUC in May 1973,
3 Constable Long doing what he did, it is not your
4 evidence that somehow the RUC was less equipped than
5 other police forces. Anywhere in the United Kingdom
6 where these events would have happened, if I understand
7 your position correctly, your expectation would be most
8 police forces would have reacted in exactly the same
9 way, because the information and therefore the change in
10 behaviour and approach, just it is hindsight would be
11 required in order to expect a different approach from
12 any force.

13 **A. Absolutely. What I am depicting is the RUC's position**
14 **would have been the position of British policing.**

15 Q. Yes.

16 **A. It would have been no better and no worse. In the 1970s**
17 **we did not know what we know now about patterns of child**
18 **abuse, about the sort of people who offend, about the**
19 **mechanisms that they follow. We would not have had the**
20 **awareness to look for the signs of it. We would not**
21 **have had the training to look for it, but that is not**
22 **a Northern Ireland or RUC phenomenon, as you say. It is**
23 **absolutely in my opinion that would have been the case**
24 **anywhere in the United Kingdom and I would respectfully**
25 **submit anywhere else that follows the same Western model**

1 **of policing. Child abuse in the 1970s was not**
2 **understood, or guarded against, or acted upon in the way**
3 **it is now anywhere in the United Kingdom.**

4 Q. The other element which I suppose distinguishes us from
5 the rest of the United Kingdom in 1970 -- and the
6 Chairman was drawing the MI5 Officer 9004's attention to
7 it, and you make reference to it in your statement, and
8 in fairness to Superintendent Harrison, he sets the
9 matter out in considerable detail in the Sussex report
10 that he prepared -- that the time period that we are
11 talking about in 1973 is simply a world away -- I think
12 it was the Irish Taoiseach who misquoted an old phrase
13 about the past being a different country -- but it's
14 a light year away. If one is getting an anonymous call
15 in Strandtown Police Station today, what's on that
16 person's plate, which may well be overburdened and
17 significant, is nothing like what was going on for every
18 RUC officer in May 1973 in Belfast.

19 **A. That's absolutely fair, sir. The picture of violence in**
20 **the 1970s was incredible, and I think, sir, as Chair you**
21 **alluded to that in the openings. The level of violence**
22 **I have set out in some numbers in numeric terms. To**
23 **simply describe it, this was the 2024th I believe**
24 **anonymous phone call received that year at that stage.**
25 **There were in and around fourteen of those calls being**

1 received a day. That's probably a function of what else
2 was going in terms of the level of violence and in terms
3 of the massive civil disorder, and I think that once we
4 get a picture of the environment in which those officers
5 were working, we also then need to map across the number
6 of police officers we had in the 1970s, which was many
7 thousand fewer than it even is now. The pressure that
8 they were under as they were, along with the military,
9 the primary target of much of that violence, they were
10 not patrolling or responding to calls in the way that we
11 would hope they would be able to do now. So it was
12 a very, very different world in which Constable Long is
13 given this task and enquiry to do.

14 Q. I ask you that question because obviously an -- every
15 Inquiry has to endeavour to do this, to not judge by
16 hindsight and to understand the context as much as
17 possible. Inevitably whatever the Inquiry is
18 investigating has to be a very specific thing which
19 constantly draws in through that specificity, but the
20 point that you are making in your statement, which I am
21 drawing from you, is that it is rather hard to imagine
22 the scale of what police officers in Belfast were having
23 to deal with at the time this telephone call comes in.

24 **A. That's right.**

25 Q. Is that fair?

1 **A. Sir, the abnormal was completely normal.**

2 Q. Now that being said, Detective Chief Superintendent, you
3 have looked then at the second of the three main issues,
4 and that relates to now deceased former Superintendent
5 -- Detective Superintendent John Graham --

6 **A. Yes, sir.**

7 Q. -- who was -- I think ended up head of CID in Belfast.
8 So a senior detective at the time in June 1974, nearing
9 retirement after many years' experience, and we looked
10 at between Mr Robinson and I -- he produced for me
11 an old RUC book that you could buy for 50p that let you
12 understand with the structure was in a given year.

13 **A. Yes.**

14 Q. And it seems -- because I was asking the question, "Was
15 John Graham working to Bill Meharg?" -- but it seems
16 there was another Assistant Chief Constable that he
17 would have been working to.

18 **A. He'd attached -- the document I think is called "The**
19 **Constabulary Gazette". It is a ready reckoner of what**
20 **senior police officer is working where. In the 1970s**
21 **the situation was still such that the RUC published what**
22 **Inspector works where, what Chief Inspector works where.**
23 **This obviously stopped we would think in around 1977**
24 **with the targeting of those officers, but that document**
25 **sets out where everyone worked, and Detective**

1 Superintendent Graham shows in that gazette document as
2 working in the office of the ACC in the Urban Region.
3 Now that would lead me to propose that he is the senior
4 detective for that region, and therefore he functions as
5 the man who is supervising the inquiries within that
6 Urban Region, and indeed provides the advice on response
7 to crime to the Assistant Chief Constable in the Urban
8 Region rather than working directly to the ACC Crime,
9 who at that point is Mr Meharg. So he wasn't in
10 Mr Meharg's office per that gazette and he was not
11 working directly to Mr Meharg per that gazette, and
12 there is a logical case that he would not have been
13 doing those things. He would have been working for the
14 ACC Urban.

15 Q. The difficulty that ends up presenting itself, if one
16 was to draw a chart on the map, you have managed to end
17 up with a scenario -- if we can start with Roy Garland
18 -- I know your analysts have created what I am going to
19 call very large spider maps of what happens, but if we
20 can cut to right down to you have got Roy Garland --
21 around about the same time, within a few months of each
22 other, Roy Garland talking to Detective Constable
23 Cullen, which ends up going right to the top of CID --

24 A. Yes.

25 Q. -- and we will come back to that, but you have

1 a horrible irony I suppose that you have him also
2 talking to Valerie Shaw, and however it has come about,
3 Valerie Shaw getting to the top of the tree in Belfast
4 in the CID. The next would be I suppose across into
5 Bill Meharg's level via the Assistant Chief Constable --

6 **A. Yes.**

7 Q. -- in charge of that -- in charge of the urban area that
8 you are describing, but again very high up the chain
9 within the RUC stemming from the same original
10 discourse, if you like.

11 **A. Yes.**

12 Q. You end up with this very unfortunate scenario which you
13 criticise in your report --

14 **A. Yes.**

15 Q. -- that both of these trains don't get to the station
16 they ought to have got to.

17 **A. Yes.**

18 Q. In respect of John Graham the -- in fairness to him, he
19 could have easily, as Detective Superintendent Harrison
20 points out, simply denied the verbal conversation that
21 Valerie Shaw claimed to have had, and he consistently in
22 1980, again in 1982, and -- not giving evidence before
23 the Hughes Inquiry, but in exchange of correspondence
24 arising over which officers might have been spoken to,
25 he didn't in any way endeavour to suggest that what he'd

1 previously said was the position. So he was candid in
2 explaining, "Yes, I had that conversation. Yes,
3 I didn't like what I heard. Yes, I talked about keeping
4 an eye how that might be gone about. Yes, I explained
5 that we needed evidence and therefore it might take
6 time, but I did do something about it", and the position
7 ends up with, even if all of that was correct and he did
8 do exactly what he says he did right through to the last
9 part of having gone to Mountpottinger to create
10 an investigation, that didn't happen.

11 It doesn't matter in a way -- and I think this is
12 the point you make in your statement -- in the end it
13 doesn't matter whether he did or did not speak to
14 someone and whether that person he spoke to or didn't
15 speak to did something with it. The result was a senior
16 officer expected an investigation to begin in June 1974
17 in some form of surveillance type idea, however that was
18 intended to be done, and it simply didn't happen.

19 **A. Yes.**

20 Q. You candidly in your statement adopt the level of
21 criticism that Superintendent Harrison expressed, which
22 was stark and direct and unambiguous.

23 **A. It's very difficult to look at what Mr Graham did and**
24 **consider that he even completed the task that he set**
25 **himself. He takes the information. On his account he**

1 passes it. He makes no provision and takes no steps to
2 ensure that it is dealt with. He is the senior
3 detective for Belfast and this is within Belfast. It's
4 not as if he is passing information to somebody in
5 a different discipline, in a different force, in
6 a different area. He is aware of something that's
7 happening on his watch and, if I may, in his patch, and
8 yet he does nothing, and I don't think as a senior
9 detective that that is the level of professional drive
10 or zeal or vigour that I would expect.

11 Q. And the result when we, as you have seen us do with the
12 Social Services -- mistake upon mistake -- "catalogue of
13 errors" was the phrase the Chairman used -- you -- if
14 I were to put it this way, you couldn't get these
15 circumstances more wrong, because here is two trains,
16 and you might -- whatever about United Kingdom trains
17 compared to Switzerland's, you would expect one of them
18 to make it to the station and neither of them do, and
19 you have a scenario where one then never finds out about
20 the other either --

21 **A. Yes.**

22 Q. -- because of how each of them in their own way are
23 conducted or not conducted, and neither of which you
24 stand over other than saying, "Well, they are systemic
25 failings by the officers involved".

1 A. I think, sir, it portrays some of the issue about how
2 the police generally, not just the RUC, the police
3 generally dealt with child abuse. It was not dealt with
4 as a specialist or individual crime type. So,
5 therefore, there wasn't a central body investigating
6 this, harvesting and harnessing all of this information
7 and bringing it together and taking it forward as an
8 investigation.

9 Graham has his piece of information. He submits it
10 to someone, and we do not know to whom, but he submits
11 it and it goes nowhere. The Cullen and Meharg piece
12 that I know will have to be returned to in much more
13 detail when I discuss it in light of Graham, it is never
14 brought together because there is no computer system or
15 no record-keeping system that is bringing this all
16 together.

17 These are men -- if Graham submitted it -- and
18 I think, with respect, it is only on Graham's account
19 that it is submitted -- if Graham submitted it, it has
20 stopped at where he submitted it and has gone no
21 further, but I have to say that I am not sure in
22 1973/'74 where that somewhere further would have been,
23 because there was not a centralised -- I have the
24 opportunity of being a centralised child abuse command,
25 which has oversight and purview over all investigations

1 **of that type. There was no-one in my role at that time.**
2 **There was no such central single command dealing with**
3 **these types of offence.**

4 Q. The horrible irony, if I can describe it as that, is you
5 can end up with -- I am not sure where the urban command
6 was in relation to headquarters. It may have been in
7 the same building -- but you could have ended up in
8 conceptual terms with two individuals in the one
9 corridor, one with information from Valerie Shaw and
10 having intended to but not managed to get
11 an investigation that he felt should happen underway,
12 and just down the corridor, unbeknownst to the other, is
13 the Assistant Chief Constable in charge of crime
14 generally with his activity with Detective Constable
15 Cullen, and neither the twain shall meet.

16 The point I understand you to be making is that is
17 just not a circumstance that's capable -- well,
18 I shouldn't -- anything is possible -- but it's -- the
19 way the system is designed now that type of breakdown is
20 much less likely to occur.

21 **A. Absolutely. There are computerised systems. There is**
22 **a centralised command. There is a single person**
23 **ultimately responsible -- that is me -- in relation to**
24 **child abuse. So it is much clearer what should be done**
25 **and in what way.**

1 The other point that I do go back to with Graham is
2 the difficulty with Graham is whatever system had been
3 in place around him, I don't think he complied with it,
4 because it would not have been acceptable under any
5 system I would say for a superintendent to obtain
6 information of that type, to consider it of the
7 importance that he did -- if he asked anyone to do
8 anything, he is indicating that he believes something
9 needs to be done -- and then he does not submit it into
10 the system.

11 So even by the standards of 1973 or '74
12 a superintendent, with respect to the man, should have
13 pursued this matter further and he should have actioned
14 it up within the CID system as existed at that time.
15 I can find no record of where it goes, because
16 I can't -- as I understand the documentation, we find no
17 record of anyone accepting ever, nor I believe did Terry
18 ever find any record of anyone receiving the
19 information. They found a number of people who said
20 they did not receive it, but they never found anyone who
21 did.

22 Q. Yes. If we can bring up on the screen 1854, where you
23 set out the position, you address this in your first
24 statement and I looked at that whenever I was going to
25 through the material relating to it. If scroll down,

1 please, to paragraph 161.

2 In fairness to Detective Superintendent Graham,
3 because I have an obligation to be fair to everyone in
4 every direction, which is an interesting requirement,
5 but if I can -- whatever his personal view that might
6 have made him more disposed to want to take action, he's
7 had a conversation in a car with a lady, who is passing
8 on second-hand hearsay.

9 **A. Yes.**

10 Q. The reality, in a similar but different way to Constable
11 Long, is he faces the difficulty that he doesn't have
12 information -- he doesn't have the person to stand to
13 the allegation. He may have been told who that person
14 was, and therefore he would have an investigative
15 opportunity, if he so deemed it appropriate, of going to
16 speak to that person, but in terms of the discussion
17 that seems to have gone on that's accepted between the
18 two of them of, "Well, we'll keep an eye on them. We'll
19 have to put the thing under observation", to be fair to
20 him from a long time working with and in and around
21 matters connected to the police in had my practice, the
22 keeping an eye on or -- seemed quite often to involve
23 you would feed the information on. "Somebody said to me
24 your man there is one we need to watch. He is supposed
25 to be a homosexual. Just keep an eye on that place

1 where he works and keep an eye out and see if you notice
2 anything".

3 The type of information -- what I am getting at is
4 how -- what type of investigation could he reasonably
5 have sparked in June 1974 based on the conversation that
6 he had had?

7 **A. It strikes -- this is something that exercised me in**
8 **reaching the conclusions or making the comments that**
9 **I have made in the statement. The point is that he did**
10 **not do anything and that's --**

11 Q. And you --

12 **A. -- and that --**

13 Q. That's a given.

14 **A. -- draws me up short initially, that he did nothing --**

15 Q. Yes.

16 **A. -- but there are clearly opportunities that he would**
17 **have had in June of 1974.**

18 For example, if you were made aware that there were
19 issues of the abuse of boys and that Miss Shaw had
20 detail, you might direct someone to go and interview
21 Miss Shaw in much more detail. You might direct someone
22 to try and establish exactly who is her source of
23 information and then go and find that source of
24 information.

25 Q. Yes.

1 **A.** He made an indication and made a decision to pass the
2 information then I believe from Mountpott... -- to
3 Mountpottinger.

4 **Q.** Yes.

5 **A.** Yet he did not at any stage follow up perhaps with the
6 detective inspector or the station inspector: "Are you
7 aware of any allegations? Is there anything wrong in
8 Mountpottinger area? Is there any concern that you have
9 about any boys' home or abuse of boys or anything else?"
10 That small degree of proactivity may well -- may well
11 have sparked a recognition that there was other
12 information and other knowledge within that local area,
13 and he didn't do that.

14 **Q.** Those are steps that could have been taken?

15 **A.** **Yes.**

16 **Q.** In fairness, as I understand Valerie Shaw's position,
17 which is a fundamental issue the Panel will have to deal
18 with in these pre-1980 matters, the position boils down
19 to past performance is the best indicator of future
20 conduct. Valerie Shaw was not telling John Graham, as
21 I understand it, that she was aware of or there was any
22 evidence of boys in Kincora being abused.

23 **A.** **Yes.**

24 **Q.** The allegation was, "This is what he did involving this
25 man in the '60s. Therefore he may well be or I believe

1 he would be", but you are faced with that conundrum of
2 with hindsight, yes, everybody, of course, will say,
3 "You should have done something. Look what's happened",
4 but based on a position where someone is saying to
5 a police officer, "There is -- I have been told of
6 events of a sexual -- homosexual nature relating to
7 another individual in the '60s". He's -- he could
8 definitely be gone and spoken to, because he was
9 identified --

10 **A. Yes.**

11 Q. -- but the assumption that, therefore, that means that
12 boys are at risk, the horrible irony of where we stand
13 in 2016 is we have the -- it being said that's the leap
14 that should have been made in the '70s, because
15 homosexuality was illegal, but now -- and you make this
16 point in your statement -- it should not be the case
17 that because you are a homosexual, that therefore
18 equates to a likelihood that you are going to abuse
19 boys, whether in a children's home or otherwise. So you
20 have a conundrum. Does that make sense?

21 **A. You do, but I think one thing you have is you have this**
22 **man McGrath, and what do we know of him? That to me is**
23 **a first detective step. Who is this man, and what do we**
24 **know about him, and who knows anything of him?**

25 Q. The point you are making is there is simply no evidence

1 of those two potential simple matters being progressed
2 --

3 **A. No.**

4 Q. -- which is, "Who is William McGrath?" and "She told me
5 about Roy Garland. I had better talk to him".

6 **A. You have two people to speak to, and what Mr Graham --**
7 **admittedly at the end of what was considered at that**
8 **stage to have been an exemplary career after I believe**
9 **coming close to thirty-five years' service in the police**
10 **at this point -- what he does is he takes some**
11 **information that he sees has some significance and yet**
12 **there is no evidence that he does anything. It may well**
13 **have been the case that he would not have had the**
14 **grounds to launch a large-scale investigation and attach**
15 **a team of detectives to it, but he didn't do anything to**
16 **see whether or not that approach would have been**
17 **justified, and the two key points from my reading of it**
18 **are men that he could have found out more about and at**
19 **that stage he does none of that.**

20 Q. If we scroll just on the next page, please, you identify
21 three particular systemic failings that you have set out
22 for the benefit of the Panel.

23 **A. Yes.**

24 Q. The third issue that arises is Cullen and Meharg. Maybe
25 before I go -- you also make the point in respect of the

1 Terry Inquiry that you had here very trenchant criticism
2 of a senior officer. You have been very trenchant in
3 explaining the Police Service's position --

4 **A. Uh-huh.**

5 Q. -- in respect of looking at this again and what you see
6 appears to be the case, even applying 1974 standards to
7 it. The Terry report doesn't in terms of the part
8 that's made public appear to convey the level of failure
9 that Detective Superintendent Harrison is identifying
10 and which you are --

11 **A. Uh-huh.**

12 Q. -- repeating effectively in a slightly different way
13 before the Inquiry. I take it -- in your statement
14 I got the impression -- you tell me if I am wrong --
15 that what I'm describing is a view that the Police
16 Service holds --

17 **A. Yes.**

18 Q. -- looking back at all of this material.

19 **A. Yes.**

20 Q. The point I did draw to the Panel's attention in
21 fairness to Sir George Terry -- and this is part of the
22 difficulty perhaps with this story that brings in so
23 many different facets -- the fundamental allegation that
24 was being made was that the Police Service, the RUC,
25 were themselves covering up as opposed to having missed

1 an opportunity which they should have taken, and,
2 therefore, his report, if seen in that light, may be
3 more designed at addressing the confidence in the police
4 in terms of being suggested that somehow they are behind
5 this or covering for it in some way as opposed to
6 missing an opportunity, but the point that you are
7 making is this was a really serious thing that had not
8 happened that ought to have happened.

9 **A. Yes, but it's also a very serious thing not done by one**
10 **person --**

11 Q. Yes.

12 **A. -- which is a different position than the notion of**
13 **a cover-up or an act done to conceal things on**
14 **an organisational level. There's no real evidence**
15 **that -- well, there is no evidence as to who else knew**
16 **what Graham knew in the police. Therefore, Graham's**
17 **non-submission or, if he submitted, his failure to**
18 **follow up on the action taken is at Graham.**

19 Q. Yes. I think that is what I am trying -- to be fair to
20 Sir George Terry, one could easily say, "Well, look at
21 the criticism that's expressed about this one officer".
22 When one looks then at the part of his covering report
23 that's made public, one would not necessarily be able to
24 read into it what one finds in Superintendent Harrison's
25 report, but for the reason that you have just given he

1 was addressing amongst the reinvestigation --

2 **A. Yes.**

3 Q. -- as it were, a much wider and more -- it's not to do
4 down the seriousness of failing to investigate something
5 when you should as an individual with a high rank -- but
6 he was having to address a much wider systemic issue
7 being levelled against the RUC of proactively having
8 known about --

9 **A. Yes.**

10 Q. -- and somehow covered up activity that was occurring.

11 **A. Which this is not. Graham's actions is not --**

12 Q. Of that ilk?

13 **A. -- in that type, yes.**

14 Q. Yes. When we move on to the Cullen and Meharg area,
15 what I want to draw to the Panel's attention, if we
16 scroll up to 1853, please, you -- even as matters are,
17 without the added issue that we are looking into,
18 I think the evidence that retired Chief Superintendent
19 Caskey gave was that it was an extraordinary -- was the
20 word he used -- turn of events that saw for whatever
21 reason a detective constable in Donegall Pass end up in
22 the office in headquarters of the Assistant Chief
23 Constable.

24 **A. Yes.**

25 Q. Presumably you would agree that it's fair to say it's

1 even more extraordinary based on the account given in
2 the police statement in 1980 of an attempted indecent
3 assault and the 21st March '74 report, the DBE16 --

4 **A. Yes.**

5 Q. -- which doesn't have any, if that was the height of
6 matters, that a detective constable would end up through
7 the door of or maybe the front door of Brooklyn as
8 opposed to the office of the Assistant Chief Constable
9 is perhaps more extraordinary. Is that -- is that --
10 perhaps if I let you put it in your own words, having
11 had to live with looking at the fact that a Drug Squad
12 detective, who was part-time dog handler, ended up
13 having an audience with the Assistant Chief Constable in
14 the RUC in the midst of what was going on in Belfast
15 amongst other places in terms of the violence. How
16 would you describe that scenario?

17 **A. I think the mechanism by which Cullen comes to have the**
18 **information between November '73 and April -- sorry --**
19 **March of '74 does have an explanation in that he goes to**
20 **see a particular individual on matters connected to Drug**
21 **Squad activity, and he then obtains the details of**
22 **another man, who has been the subject of this form of**
23 **abuse. He sees that other man and he sees that man on**
24 **1st March.**

25 **The next day he seeks and gets an appointment with**

1 the Assistant Chief Constable. Now he must have
2 conveyed -- we cannot establish what the grounds for
3 that interview were, but we must surmise that they are
4 based on what he has been told on 1st March. On 1st
5 March he gets the information. On 2nd March he seeks
6 and obtains a meeting with the ACC.

7 Now the ACC I think in his statements and other
8 settings indicated that he made himself very available
9 at all times to his detective staff, which is
10 a commendable approach, and I can't dispute that he was
11 not approachable, open and was not involved in
12 investigations, because we see other investigations in
13 which as the Head of Crime, to use that term, he plays
14 a part, but if he sees Cullen on 2nd March and Cullen
15 merely tells him what he tells him on 21st March,
16 allowing for transmission, but if he tells him on
17 2nd what he tells him in DBE16, I am frankly at a loss
18 as to why the ACC did not (a) end the interview quite
19 promptly and say, "Thank you, detective, for coming to
20 see me, but this isn't at my level. I am not even sure
21 there is criminality here, and if there is, I am not
22 sure it's a level that involves me", or having permitted
23 the interview to complete, he then says, "I need
24 a report on this", reads the report on 21st March, which
25 to my recollection does not, for example, even mention

1 homosexuality and say, you know, "You had this meeting
2 with me on 2nd March, Cullen. I am a busy man. I am
3 managing an extremely busy department facing a very
4 significant criminal terrorist onslaught, and you have
5 taken my time up to investigate a matter where I see
6 nothing other than some interesting facts, no
7 criminality, nothing". DBE16 is described I think in
8 Hughes as innocuous or anodyne and it seems to be that.

9 Q. I've used the word during the last couple of weeks that,
10 because we know there is another version that's
11 different, it's a sanitised version in that it doesn't
12 have within it some of the information in an equivalent
13 document --

14 **A. Yes.**

15 Q. -- that's otherwise matching of it, and one particular
16 sentence that just one would struggle to forget, but
17 I suppose where one ends up -- and you can give your
18 view on this -- it's almost inexplicable. It happened,
19 but based on the information in at least the originally
20 available documents within the police inquiry in 1980 it
21 is inexplicable that that chain of events would have
22 taken place. That's what I understand you to be --

23 **A. In the sense that DBE16 to me in no way would justify**
24 **the involvement of an ACC, far less an urgent**
25 **appointment to see an ACC. So if that's all that was**

1 there, I can't see why Cullen (a) felt he needed to see
2 an ACC, (b) why the ACC wanted to see him, or (c) having
3 seen him, why the ACC would require a further report, or
4 on receipt of the report, which I suppose is point (d),
5 he actually did not query, "What is -- what is this that
6 you want to talk to me about, because I don't see
7 anything here?" So I cannot comprehend that chain of
8 events being quite right. I cannot see how DBE16 is
9 quite true.

10 Now I have to say that I have never spoken to Meharg
11 or Cullen, and I know that it is put by people to whom
12 I have spoken and men with whom I worked who would have
13 worked in Mr Meharg's world that Mr Meharg was open and
14 available to his staff, but I still have to go back to
15 he was the Assistant Chief Constable for Crime, and he's
16 not actually in DBE16 really being invited to look at
17 any crime, far less crime at a level where you need to
18 get in urgently and see the third -- one of the third
19 most senior police officers in the RUC in 1974.

20 Q. It may be -- we will see where we get to with the work
21 that's being done -- it may be we can't, because
22 obviously Bill Meharg is deceased --

23 A. Yes.

24 Q. -- and without going into the detail of it the retired
25 constable is not going to be in a position to --

1 **A. Yes.**

2 Q. -- engage with the Inquiry, and the -- one can speculate
3 all sort of reasons. Cullen himself talks about
4 prominent people, by which he names Clifford Smyth and
5 Ian Paisley. He talks in his oral evidence before the
6 Hughes Inquiry about the source, you know, being very
7 concerned about his welfare and that of his family and
8 his security, and there is obviously in the papers that
9 are -- that are now available to us as we look back --
10 and we're trying to understand why they maybe weren't
11 available at other junctures along the road -- there is
12 talk of Tara and the paramilitary side, and it could be
13 any one of a number or all of those reasons that
14 potentially --

15 **A. Yes.**

16 Q. -- had a detective constable not sure how to deal with
17 something that looked like a potential big deal that
18 he'd walked on to. He'd just finished a course in
19 detective work. Keen to impress perhaps, but however it
20 came about, the sequence of events that followed, what
21 you are saying to the Inquiry is that ultimately, if
22 I put it this way, more of the blame ends up with the
23 Assistant Chief Constable, who ought to have known
24 better and ought to have organised better what was to
25 happen.

1 **A. Yes.** The ACC -- one can expect more of an ACC than of
2 a detective constable, and one can expect much more of
3 this type of investigation from an ACC, who has
4 oversight over all of the various investigative
5 disciplines, than from a man who works in a very
6 important but nonetheless niche form of criminal
7 investigation and indeed is relatively junior in the
8 detective rank in that he only completes what my
9 generation would have known as CID Initial, but he only
10 completes his detective's training at Hendon in the area
11 of 1974.

12 So whilst I am critical in my statement, and I think
13 fairly so, of what Cullen does, there is a difference of
14 some degree between Cullen and Meharg, and that leads me
15 to conclude that the major error in this set or scheme
16 of errors is with Meharg.

17 **Q.** I think, without going into the detail of it now,
18 Detective Chief Superintendent, if one were just to
19 move -- leave the sequence of what goes on aside and we
20 simply take a compilation, put it all together, of all
21 of the material that we've got --

22 **A. Yes.**

23 **Q.** -- that can now be said was certainly known in 1974 --
24 and in fairness to Bill Meharg, he accepted -- and this
25 probably isn't widely known, and I haven't opened it as

1 yet, but we paused, and I will come back to do that --
2 because the Hughes Inquiry was not itself investigating
3 the police, the fact that during multiple
4 cross-examination -- I think on the third day Bill
5 Meharg expressed his regret and said this investigation
6 should have taken place in 1974, and seemed to be
7 accepting the fact that if it had taken place in 1974,
8 those who got abused beyond that would not have been
9 abused, and was apologising. The explanation he gave
10 appears to have been -- well, there was no explanation.
11 It was -- other than a very busy department, but in
12 fairness to him he was accepting and acknowledging
13 before the Hughes Inquiry, albeit it was not within
14 their remit, that there had been a major failure on his
15 part.

16 Now whether that set of admissions was sufficiently
17 infused with all of what we know now that we will come
18 back to, but I want to ask you is this: having looked at
19 all that we do now know James Cullen had gathered in
20 terms of the activity, the nature of it and the
21 participants, perhaps unidentified, but the number of
22 participants involved in it, and the equipment that was
23 available in respect of it, are you in my doubt that in
24 1974, once that was conveyed to any senior officer
25 beyond the detective constable, a police investigation

1 should have ensued into William McGrath?

2 It would not necessarily have been centred on
3 Kincora, albeit he worked there, but the catalyst might
4 have ended up looking at Kincora and potentially into
5 Mains and Semple, albeit that that is speculation,
6 because what would have been investigated was the
7 activity that was available to him and he was engaging
8 in with Roy Garland and potentially others in the '60s,
9 but is it fair that when you look at all that had been
10 gathered in terms of the paraphernalia and the mechanism
11 that seems to have been being operated, that should have
12 resulted in a police investigation taking place in 1974?

13 **A. The information that Cullen has seems to be obtained**
14 **between March and July of 1974. Therefore, it's**
15 **reasonable to say that by July of 1974 he has what**
16 **becomes his statement, what becomes his various**
17 **documents -- and I am aware, sir, there are elements**
18 **I need to continue -- remain to be explored -- but by**
19 **July of 1974 there was sufficient there I would suggest**
20 **to require investigation. I am saying that to be**
21 **stronger than to say "to justify".**

22 Q. Yes.

23 **A. I actually think there was sufficiency there to require**
24 **an investigation, and I think Mr Meharg -- and again**
25 **I do want to put it in the context that whilst**

1 I criticise Mr Meharg, it has got to be acknowledged
2 what else he was doing and the good that he did as
3 a very senior police officer for a very, very long
4 period of time -- but he himself acknowledges -- and
5 "regret" I think is the term he uses in the transcript
6 -- where he regrets not directing -- (a) directing
7 an investigation and (b) not correctly structuring,
8 supervising and directing in the sense of he directs
9 that one be carried out, but then he would have directed
10 the manner in which it was carried out, and I think
11 those are comments that I have to attach myself to.
12 There was enough there that required investigation and
13 it should have been done in a manner that had
14 a structure, that had a system, that had a progressive
15 line, proper recording, proper directions, proper
16 reporting of what was being found or not found.

17 Q. You have explained in your statement and I know that
18 work is going to go on in relation to this and we will
19 come back and take another look at it at the start of
20 next week, all being well.

21 I am not going to ask any more questions at the
22 moment for that reason.

23 **A. Sir.**

24 Q. It may the Panel members want to ask you something about
25 the matters we have covered, and we have got that loose

1 end, to use George Caskey's phrase, that we're going to
2 try and iron out, which is a serious matter --

3 **A. Yes.**

4 Q. -- and we will try and get to the bottom of it and look
5 at it further.

6 **A. Thank you, sir.**

7 Q. Bear with me for a short while.

8 **A. Thank you, sir.**

9 **Questions from THE PANEL**

10 CHAIRMAN: Chief Superintendent, can I thank you, first of
11 all, for your extremely helpful statement in which you
12 have laid out -- statements I should say in the plural
13 -- in which you have laid out very clearly indeed the
14 background to the matters that is of -- are of interest
15 to us --

16 **A. Thank you, sir.**

17 Q. -- and behind you to those who I am sure have toiled
18 many hours to produce the information that you have
19 produced to us, but if we look back at the two matters
20 we have to consider so far, the first is the adequacy or
21 otherwise of the response to the 1973 Robophone call,
22 and the second, which occurs broadly speaking about
23 twelve months later, in relation to the information that
24 is conveyed. Ultimately it can be traced back in both
25 instances to the same man, Mr Garland.

1 If we look at 1973 first -- before we do that, in
2 your original statement at 1532, you pointed out that
3 there were 123 terrorist-related deaths alone in Belfast
4 area; in other words, in the area Detective
5 Superintendent Graham was responsible for at
6 an operational level. Is that right?

7 **A. Yes. That's correct, sir.**

8 Q. So that would have meant I take it that whilst each
9 individual murder would have been investigated by
10 a detective inspector under a detective chief inspector
11 in wherever it occurred, whether it is Woodburn, or
12 Antrim Road, or Mountpottinger, or whatever, over those
13 officers ultimately for Belfast and perhaps the
14 immediately surrounding areas -- I don't know -- is
15 Detective Superintendent Graham. So the information
16 flows up to him, and I presume it is not unreasonable to
17 say he must have had a very heavy workload?

18 **A. He must have, sir, and actually in Chief Superintendent**
19 **Monaghan's statement in relation to the matter of**
20 **dealing with the Robophone, when he is interviewed by**
21 **Terry, he describes how E Division CID were under such**
22 **pressure that they had had to draft detectives in from**
23 **other CID offices. So that would suggest that the**
24 **divisional structure over which Mr Graham, as you put**
25 **it, sat and commanded was under very significant**

1 **pressure, and one can only imagine the pressure that he**
2 **is under as the senior detective who ultimately -- at**
3 **whose door these murder investigations, these bombings,**
4 **these attempted murders and all of these other very,**
5 **very serious crimes sit.**

6 Q. Yes, because in 1974 the level appears to have dipped
7 slightly, but there's still 89, which is a terrible
8 figure.

9 **A. Yes.**

10 Q. So what we have is, first of all, the anonymous call.
11 It is processed through the system.

12 **A. Yes.**

13 Q. The what I might call conventional police response takes
14 place, which is that an instruction goes from a senior
15 officer down to the appropriate level of officer, in
16 this case a constable, but a very experienced constable,
17 and effectively they are told to investigate this.

18 Constable Long goes up. He speaks to Mr Mains. He
19 has no reason to believe at that time it would seem from
20 all the evidence that's ever been obtained that Mr Mains
21 was other than what he appeared to be, which was
22 a responsible person --

23 **A. Yes.**

24 Q. -- who was running a children's home.

25 **A. Yes, sir.**

1 Q. He then proceeded to vouch for one of his staff as
2 a respectable person, a married man, and with what can
3 convey an air of respectability in Northern Ireland, he
4 is a member of the Orange Order and he is actively
5 politically involved.

6 It is easy, looking back on it with the advantage of
7 hindsight, to say Constable Long should have done more,
8 but what Constable Long did was he went back and
9 reported, and then it went up the chain of command as
10 far as the Divisional Commander. So it went through his
11 Inspector, Chief Inspector, I think a Superintendent,
12 who was the deputy at that time, and then the Chief
13 Superintendent. Nobody thought that Constable Long had
14 fallen down on the job. Isn't that right?

15 **A. No, sir, and, as you summarise it, I can't say even with**
16 **retrospect that he should have done anything different.**
17 **I think it's very difficult for someone as**
18 **a professional police officer or anyone else to look at**
19 **this and say "if only", but it is frankly an "if only".**
20 **He would have had no reason to do any more than he did**
21 **based on what he knew.**

22 Q. Yes, but if we contrast the process that happened in
23 that instance with what Superintendent Graham was
24 involved in broadly speaking twelve months later, he is
25 an exceptionally busy officer with a huge workload, but

1 he is sufficiently engaged, to use a neutral term, with
2 Miss Shaw to listen to her for some time. He tells the
3 Hughes Inquiry effectively that he thought there was
4 enough in what she had to say to require the matter not
5 just to be, to be brutal about it, put in a bin, but it
6 had to be looked into. So by making that decision it is
7 the case, is it not, that he made a preliminary
8 judgment, which is, "This must be looked into further"?

9 **A. Yes.**

10 Q. The next stage that was open to him and, as I understand
11 what you are saying, he should have followed was to see
12 that it was looked into. It would appear to me that the
13 least he could have done was to compile -- he may not
14 have had a dictating machine, so he might have had to
15 write it out -- a brief account, maybe half a page or
16 something, of what Miss Shaw had said to him, and send
17 it down the line in the way the Chief Superintendent in
18 Mountpottinger had done to the appropriate level, which
19 would have been presumably again Mountpottinger, to be
20 dealt with either in Mountpottinger or at Strandtown,
21 depending where the appropriate detectives were
22 stationed, and ask for a report back.

23 **A. Yes. I would have expected that if he spent I believe**
24 **forty-five minutes with someone and took notes and**
25 **recorded what that person said to him, and assessed it**

1 to be of such seriousness that he as a Detective
2 Superintendent assessed it to be of such seriousness,
3 that he would have at the very least followed it up with
4 a written minute, you know, perhaps confirming his
5 initial verbal or other direction, but he would also
6 have had the matter in police parlance brought forward,
7 BF'd, which is a call up system. So he would have
8 expected someone to report back to him.

9 Q. Exactly, so that no matter how busy everybody is, how
10 great the pressure is, the system will ensure that
11 sooner or later, and human nature being what it is, it
12 might end up being later, given the pressures at the
13 time, nonetheless if it had been initiated properly, the
14 matter should have come back to his successor, because
15 I gather he was within a short time of retirement.
16 Isn't that so?

17 A. It is, sir. I think he retires in around June of that
18 year, but he is certainly in the window of -- he will
19 know I would imagine at the time that he meets her that
20 he is planning to retire or it is certainly on his mind,
21 but he doesn't have any -- there is a system there that
22 he steps outside and doesn't use.

23 Q. Yes, and then by his own account -- and if, as Mr Aiken
24 has fairly recognised, if he hadn't said this, nobody
25 would know that it had happened -- he does not do that,

1 but he goes into Mountpottinger, or he is there on some
2 other business, and he has what must be characterised as
3 a casual exchange with someone in the CID office, and he
4 says, "I told somebody to follow this up", admittedly
5 some years later when this is being investigated,
6 because it is six years later in 1980. Nobody remembers
7 it. Nobody says they got such an instruction, but it
8 was a remarkably slap-dash way of doing things, was it
9 not?

10 **A. Yes.**

11 Q. Finally, if we could turn to the Cullen/Meharg sequence
12 of events, which again is in 1974, as it happens, so
13 within a period of more or less twelve months from the
14 date of the Robophone message, taking it as the first,
15 there -- Cullen/Meharg is the third time that somebody
16 has drawn to the attention of police in whatever way
17 they did it that they have concerns about McGrath and
18 Kincora.

19 We have a very recently trained Detective Constable
20 in the Drug Squad going outside, if I have understood
21 you correctly, at least six ranks -- I say "at least"
22 because my recollection is that in those days such was
23 the pressure on senior officers that you might often
24 have a Superintendent acting as a deputy to a Chief
25 Superintendent --

1 **A. Uh-huh.**

2 Q. -- and then a Chief Inspector under him and so on -- but
3 there were six ranks that Constable Cullen bypassed by
4 for whatever reason being able to achieve at 24 hours'
5 notice an interview with the most senior person in the
6 RUC as far as conventional crime was concerned --

7 **A. Yes.**

8 Q. -- and apparently gets a hearing from this very senior
9 officer, who -- accepting, as you say, that those you
10 have spoken to say he is very approachable -- who
11 doesn't just show him the door, but tells him to do
12 something, but that again, according to what ACC Meharg
13 ultimately accepted, was far below what an officer of
14 his rank would have been expected to have achieved.
15 Isn't that right?

16 **A. That's absolutely right, sir.**

17 Q. The question, of course, is not only that Detective
18 Constable Cullen did that. The question is why he did
19 it. Now the only evidence that the Inquiry has gathered
20 and anybody has ever gathered in terms of something that
21 anybody can stand over is that he said to the Hughes
22 Inquiry he was concerned about the implications for the
23 boys in the home and also because of what one might call
24 the political implications, that the people named in
25 these allegations, one was Dr Paisley, and the other was

1 Mr Smyth, both of whom were politically prominent to
2 varying degrees, apart from the man against whom the
3 allegations were made.

4 Again paraphrasing -- summarising perhaps, I hope
5 not unfairly, the view of the Hughes Inquiry, having
6 heard both Mr Meharg and Mr Cullen, was that, first of
7 all, Mr Meharg -- rather Mr Cullen was saying that he
8 had laid out in front of the ACC -- whether it is the
9 first or the later meeting perhaps does not matter -- if
10 not every detail, enough for the ACC to understand what
11 was being put forward by Mr Garland, because that's who
12 it is all coming from, as a matter of concern for
13 Mr Meharg to know the broad picture. Isn't that right?

14 **A. Yes, sir.**

15 Q. Now the Hughes Inquiry, as I understand it, came to the
16 view that Detective Constable Cullen was more concerned
17 about the political implications rather than what one
18 might nowadays call the childcare implications, the
19 child abuse implications, but that perhaps is something
20 now that unfortunately we are not able to take any
21 further, because Mr Meharg is dead and Constable Cullen
22 sadly is in a state where he is not capable of answering
23 any questions.

24 **A. Mr Cullen in Hughes, as I recall it, though, did stress**
25 **that he was concerned about the risk to the children.**

1 Q. Oh, yes, but the view that the Hughes Inquiry came to
2 was not that he wasn't concerned --

3 **A. Uh-huh.**

4 Q. -- but that the greater level of concern was because of
5 the political complexion of the allegations.

6 **A. Yes, and that again, sir, is met with DBE16, in which**
7 **there's nothing of that type there that seems to justify**
8 **that level of concern, but yet there must have been some**
9 **level of concern on some level and of some type to**
10 **justify Mr Meharg seeing Mr Cullen, sending him away and**
11 **asking him to come back, having done more work.**

12 Q. Well, it's clear that DBE16 at its very best cannot be
13 the full version of those events.

14 **A. Yes, sir.**

15 Q. Well, I think that's probably as far as we need to go
16 unless my colleagues have any questions today.

17 MR LANE: If I may, I am aware that the Police Service works
18 very much according to systems, and you have been
19 describing that, in which case the open door policy is
20 in a way sort of contrary to the normal systemic --
21 systematic approach. Is there any sort of protocol for
22 how you deal with the open door and feed it back into
23 the other systems?

24 **A. I think a system is how you work in terms of handling**
25 **information, moving reports and processing. I think**

1 there's an inevitability, probably more common in the
2 detective ranks than in the uniform ranks, of
3 a closeness between the ranks, of an approachability, of
4 a willingness to be involved.

5 Q. Uh-huh.

6 A. I certainly would never say to a detective constable,
7 "Don't talk to me. Talk to your detective sergeant".
8 I would talk to my detective constables, my sergeants,
9 inspectors and chief Inspectors, because that's how
10 detective work operates. It is a different way of doing
11 things in a very rigid or very formal system.

12 So I don't think it is beyond the bounds of
13 possibility, and I have heard people tell me -- I cannot
14 give evidence to this directly, because I have never
15 served with him -- but I have heard people say to me
16 that Mr Meharg was the sort of man who would want to
17 know what was going on and who would be open to hearing
18 what was going on.

19 I don't think that necessarily flies in the face of
20 a proper system. It's a means of management. It's a
21 means of leadership. It's a means of ensuring as well
22 as a senior leader in a very difficult and complex bit
23 of business that, you know, if we are managing
24 an investigation here, we are going to bring in the
25 people and reduce the risk to other people by bringing

1 in the right people. We are ultimately going to conduct
2 a good investigation, that if we go to court, we will
3 not have a trial or whatever else.

4 So that level of involvement I don't think should be
5 a criticism of Mr Meharg --

6 Q. No.

7 A. -- from my perspective, but I think it does nonetheless
8 apply that even if you have an open door system, you
9 should have appropriate records. You should have
10 directions made and recorded. If a detective constable
11 came to me and said, "Mr Clarke, X has happened and
12 I need some guidance", I might well provide that
13 guidance, but I would nonetheless expect the inquiry to
14 be managed through the chain of command through the
15 system.

16 Q. That's helpful. Thank you. The other thing is having
17 been through so many documents over such a long time,
18 have you any idea at all why we ended up with three
19 people who were abusing children out of three staff in
20 one home?

21 A. I think that may be a major question for the Inquiry.
22 I mean that very respectfully.

23 Q. Yes.

24 A. I don't in any way mean to be humorous or facetious.
25 I think there are many differences now that would

1 prevent that. For example, the system now would share
2 its information -- I would respectfully submit that it
3 didn't do that --

4 Q. Uh-huh.

5 A. -- in the system, including the caregiver, the child
6 protection professional in social work, the child
7 protection professional in the police. The system was
8 not attenuated or aware of child abuse. I am not sure
9 that the system was fully aware perhaps of all of the
10 issues around even homosexuality and practice amongst
11 homosexual men. I don't think we had a vetting system
12 like we do now. We had none of that mechanism in place.

13 Now there may be a level that certain types of
14 people -- and in my daywork I see that certain types of
15 occupation or voluntary roles will attract certain types
16 of people. Therefore, if you want to hurt children, if
17 you want to abuse children, you will need access to
18 them. So you move yourself into childcare --

19 Q. Uh-huh.

20 A. -- into volunteering or whatever it might be. If there
21 is no mechanism to watch out for the wrong people coming
22 in, then they get in. If there is no system to
23 supervise them when they are in -- and that might be to
24 appropriately engage with the children, that might be to
25 supervise them themselves, all of those things that now

1 **would happen -- then they can offend once they are in,**
2 **and if there is not information sharing when concerns**
3 **develop, the response to the approach once they've got**
4 **in and offended when they are in will be to allow them**
5 **to continue to offend.**

6 Q. Thank you very much.

7 **A. Thank you, sir.**

8 CHAIRMAN: Well, Chief Superintendent, in the normal way you
9 would not be allowed to speak to anybody until you come
10 back, as undoubtedly you will have to come back to deal
11 with some other matters no doubt, but since you are here
12 and speaking on behalf of the PSNI, I think I must make
13 it clear you are free to speak to anyone who you
14 consider it's necessary for you to speak to to assist
15 the Inquiry and I'm sure you will exercise that in
16 a responsible way, but thank you very much for what you
17 said to us today.

18 **A. I will, sir. Thank you.**

19 CHAIRMAN: When will we be able to tell Mr Clarke that he
20 has to come back to complete? We will let you know
21 perhaps is perhaps the best answer I can give you.

22 **A. Thank you, sir.**

23 MR AIKEN: Work is going on --

24 CHAIRMAN: Yes.

25 MR AIKEN: -- and he will make me aware of when that has got

1 to the end.

2 CHAIRMAN: Very well.

3 Well, ladies and gentlemen, we will resume on
4 Tuesday morning at the usual time of 9.30.

5 (4.25 pm)

6 (Inquiry adjourned until 9.30 am
7 on Tuesday, 5th July 2016)

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I N D E X

MI5 OFFICER 9004 (called) (by2
videolink)
Questions from COUNSEL TO THE INQUIRY3
Questions from THE PANEL115

DCS GEORGE CLARKE (called)123
Questions from COUNSEL TO THE INQUIRY123
Questions from THE PANEL175