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By Chris Thornton

05 December 2006

The senior lawyer conducting the NIO cover-up inquiry is part of the MI5 watchdog that has never upheld a complaint against the secret agency.

Peter Scott QC was appointed last night to investigate whether Secretary of State Peter Hain and his top two senior civil servants broke the law by deliberately misleading the High Court.

He is charged with investigating Mr Justice Girvan's complaints about the Northern Ireland Office's apparent attempts to cover up the role of the DUP in the appointment of Victims' Commissioner Bertha McDougall.

Last month the judge referred the case to the Attorney General, Lord Goldsmith, posing 67 questions about the behaviour of the Secretary of State, Civil Service head Nigel Hamilton and NIO Permanent Secretary Jonathan Phillips.

Mr Justice Girvan declared that Mr Hain had failed in his "duty of candour" to the court and said affidavits by both civil servants had been misleading. If their actions were deliberate, he said that would amount to an attempt to pervert the course of justice, which is a criminal offence.

Lord Goldsmith asked Mr Scott to report "as soon as is possible consistent with the need to conduct a thorough review".

The QC - a deputy High Court judge who is familiar with the workings of Whitehall - is also a member of the Investigatory Powers Tribunal, which the SDLP recently criticised as an inadequate safeguard against possible MI5 transgressions.

According to the most recently released figures, the tribunal has not upheld one of 380 complaints about MI5 it received between 2000 and 2004.

The SDLP raised the issue because it wants a new complaints system, specific to Northern Ireland, in place when MI5 takes over the management of anti-terrorist operations here next year.

Lord Goldsmith announced details of the cover-up inquiry last night as Mr Hain stepped up his bid to become

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deputy leader of the Labour Party.

Shadow Secretary of State David Lidington said an effective inquiry is "vital" and that he hopes the "truth will come out".

MPs deny backing Hain for key post

By Mark Hookham

Deputy Labour leadership hopeful Peter Hain was left red-faced after two MPs who he claimed were backing his campaign insisted they had not yet made up their minds.

Backbencher Roger Berry said he was "surprised" to be included on a list of 26 MPs who were "available for quotes" to publicly support the Secretary of State's campaign.

Fellow Labour MP Peter Soulsby said his support for Mr Hain will depend on his stance on renewing the Trident nuclear missile system.

Their comments are an embarrassing blow to Mr Hain as he attempts to attract support for his bid to replace John Prescott when he stands down next year.

The Secretary of State yesterday unveiled his campaign team and a list of MPs who journalists were encouraged to phone for supportive quotes about Mr Hain.

But when the Belfast Telegraph called Kingswood MP Roger Berry, we were told the MP had not given his permission to be listed as a backer. He said: "I certainly did not give authorisation.

"I am minded to support Peter but I am discussing the situation with my constituency party. It's either Peter or Hilary Benn (the International Development Secretary). I am a bit surprised his office or anyone associated with his campaign has said that I have given authorisation to give quotes. That certainly is not the case."

Likewise, Peter Soulsby, MP for Leicester South, insisted he was keeping his options open.

The MP, who said he was "totally and utterly" opposed to renewing Trident, said: "My attitude at the moment is going to be very much affected by the various candidates' attitudes to the replacement of the Trident missile system - I'll be listening very carefully to what he (Hain) and others say before deciding."

Hain4Labour campaign organiser Joe Carberry yesterday admitted there had been a "misunderstanding" between the Secretary of State and Mr Berry and that the backbencher's name had been taken off the list.

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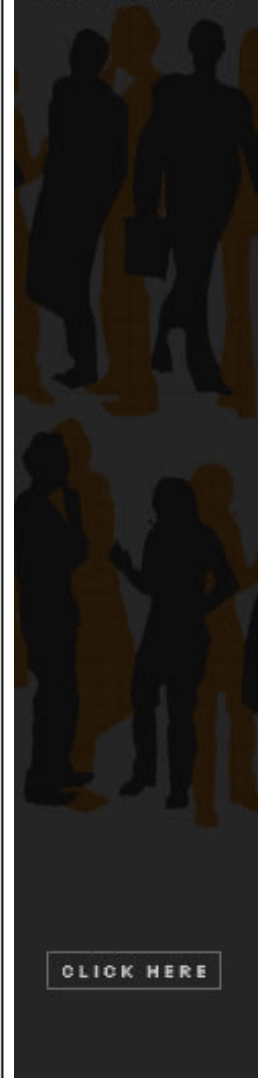
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