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Local & National

New powers may be invoked to keep files from Wright inquiry

Wednesday, September 19, 2007

By Chris Thornton

A battle over the disclosure of security secrets by the Billy Wright Inquiry means Secretary of State Shaun Woodward could become the first Minister to employ the UK's newest gagging powers.

Inquiry chairman Lord MacLean revealed this week that Mr Woodward could be asked to suppress Army intelligence material which the inquiry believes is central to their investigation of the Loyalist Volunteer Force leader's murder.

He wrote to the Secretary of State to notify him of an "impending application" by the Ministry of Defence seeking an order that would stop the inquiry from referring to "certain information" in public.

That was the second indication this month that Mr Woodward would be asked to employ sweeping ministerial powers to suppress information from collusion inquiries.

PSNI Chief Constable Sir Hugh Orde is talking to lawyers about asking Mr Woodward for a Public Interest Immunity Certificate - a more powerful gag - allowing him to keep the names of informers secret from inquiries.

The moves have thrown up several new questions for the Government's consideration of how it should deal with the past.

They indicate that security agencies are determined to keep some secrets beyond reach - but also question how much progress the three current collusion inquiries will have made by the time the Eames/Bradley group issues its report on the past next summer. The MoD could ask Mr Woodward for a Restriction Notice under the Inquiries Act, a law rushed through Parliament two years ago.

Lord MacLean did not reveal how the information relates to the murder of Wright, the LVF chief killed in the Maze in 1997, but said the inquiry considers it "central to one part of its investigation".

The material could relate to an Army intelligence office in the Maze compound, to which some witnesses have already referred.

If issued, the Restriction Notice would stop the inquiry from revealing information that it already holds - meaning inquiry lawyers would not be able to question witnesses about it.

According to Freedom of Information releases from the Government, that power has never been employed before. Lord MacLean said the Restriction Notice would be a "crucial development" for the inquiry.

The MoD said its officials are "co-operating fully with the inquiry".

A spokesman added: "Officials are in discussion with the inquiry about the public disclosure of papers."

Sir Hugh is considering asking Mr Woodward to employ a different kind of gag - the Public Interest Immunity Certificate - because he wants to avoid giving the inquiries the names of informers.

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The inquiry criticised the PSNI this week for withholding intelligence material. Lord MacLean said "outstanding gaps are in the intelligence information that we think exists and is not being produced".

The PSNI said it is not withholding material but has faced difficulties finding and assembling documents from 41 locations.

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