

## **BILLY WRIGHT INQUIRY**

**Day 101: 14th October 2008**

**Witness: Marcus Lewis continued his evidence from day 100**

On the subject of affidavits, Mr Lewis stated that he was not under notice to be dismissed from HMP Maghaberry at the time of writing them. He added that he was however in the midst of 30 months of disciplinary proceedings at the time. Mr Lewis stated that at the time of writing he did not have access to the locker which contained the diaries and the Staff Communication Sheet (SCS). He stated that this lack of information led him to request a colleague to later collect the information. Mr Lewis said that this turn of events led him to later revise his dates from the original affidavits.

Mr Lewis stated that he believed the prison inmate Mr McWilliams to have been responsible for a serious assault against prison officers involving the fracturing of the skull of a prison officer in 1996. Mr Lewis told the hearing that he had heard a telephone call by Mr McWilliams threatening to kill Billy Wright before his murder. He further added that he had discussed the phone call with both Ivan Craig and Officer Ivan Ross. However Mr Lewis stated that he gave this information to the Inquiry “extremely reluctantly” because of the uncertainty of the information. Mr Lewis stated that without access to his diaries he was no longer certain of the date of the telephone threat made against Billy Wright.

Mr Lewis told the hearing that he had never passed any information on file destruction to Mr Ian Paisley junior. Mr Lewis pointed to what he describes as “unlawful” practices existing within the prison. He then stated that he believed the officer who requested the file destruction to have done so in a manner that reflected that he was afraid. Mr Lewis further added that he believed that any files relating to an inmate who had committed a serious offence should not have been destroyed.

**Witness: Ivan Craig. Ivan Craig was a serving prison officer with the Northern Ireland Prison Service. He joined the Security Group in Maghaberry in August 1997 and was working in the “key room” in March 1998.**

Ivan Craig began by further explaining a transcript of a taped conversation from the prison recorded in 1998. He explained that the prison used to select calls at random but that they were also able to listen to calls of particular interest. He further explained that the recording room was located in the key room, also known as the armoury. Ivan Craig explained that it was possible for the Security Department personnel to know both when a prisoner had scheduled a phone call and also what phone they would be using, in order to record them.

Mr Craig told the Inquiry that if any telephone threat had been made by Mr McWilliams prior to Billy Wright’s death then “it would have been fairly

common knowledge within the prison". Mr Craig told the Inquiry that he had no knowledge of such a call.

Mr Craig explained that the call made by Mr McWilliams had talked about "killing the Rat", potentially referring to Billy Wright. Mr Craig said that the call had been made on the 1st of March 1998 whereupon he had reported the call to the Security Intelligence Centre (SIC). He told the Inquiry that he was categorically sure that he had not discussed the existence or the details of this recording with Mr Lewis.

Mr Craig explained to the Inquiry that the video tape evidence relating to what has been termed the "hostage incident" involving Mr McWilliams was not stored in the Security Office in his time there. He explained that the occurrences described by Mr Lewis whereby a prior threat had allegedly been made against Billy Wright would strike him as extraordinary. He made this judgement based upon his knowledge of the written signs and audio warning played before the telephone calls. Such warnings told the caller that their calls were going to be recorded. This line of reasoning by Mr Craig was furthered by his explanation that there was nowhere in the key room or the prison to play back the recordings made. Mr Craig explained that the equipment in the key room had been upgraded from VHS to 4mm tape and then finally to DVD from 1997 to 2002. From this Mr Craig told the Inquiry that Mr Lewis' statement to the Inquiry was "impossible" because the equipment in the SIC did not have the ability to playback VHS tapes in 2002. Furthermore he told the Inquiry that requests from the Governor or Security Prison Officer would have been required. Furthermore Mr Craig told the Inquiry that the staff on duty would have questioned Mr Lewis' motives in requesting to hear the tape. He further supported this by stating that he had never shown Mr Lewis any such tape.

**Witness: Mrs Bryson. She was formally a chair of the HMP Maghaberry Board of Visitors.**

Mrs Bryson told the hearing that she had been in contact with Mr McWilliams in the aftermath of the hostage incident in April 1997. Billy Wright was remanded in custody to HMP Maghaberry in January 1997, she told the Inquiry. However she added that there may be some ambiguity due to the date of the conviction and sentence for Billy Wright on the 7th or 8th of March 1997.

Mrs Bryson said that she had no memory of Mr Lewis informing her of a plan by Mr McWilliams to smuggle firearms into the prison that led to the "hostage incident". Again Mrs Bryson told the Inquiry that she would have remembered such information being given to her. Mrs Bryson told the hearing that she had no memory of a report being submitted by Mr Lewis to the Governor and that report subsequently being discussed with her. Furthermore she added that if she had been told about the supposed threat to Billy Wright before the hostage incident then she would have remembered it after the incident. Mrs Bryson also told the Inquiry that she would have remembered such information also after the death of Billy Wright.

**Witness: Mr Ivan Ross. He was a serving police officer with the Northern Ireland Prison Service at the time of hearing.**

Mr Ross recollected a statement that he wrote on the 10th of July 2008. He confirmed to the Inquiry that he had no knowledge of an advance threat being made by Mr McWilliams prior to Billy Wright's death. He told the inquiry that he did not discuss such a phone call with prison officer Marcus Lewis. Mr Ross explained that he worked in the SIC only after 2000.

In relation to the likelihood of such a threat being made Mr Ross told the Inquiry that, due to the prison officers' duty to the prison, the threatening telephone call would not have been talked about outside of the confines of the Prisoner Segregation Unit (PSU). Thus he told the Inquiry that he did not believe such a threat could have become common knowledge within the prison.

**Witness: Mr Nigel Jopling. He was a senior grade prison officer with the Northern Ireland Prison Service at the time of the hearing.**

Mr Jopling confirmed to the inquiry that he gave a statement on the 1st of December 2006. He explained his view that the destruction of the files in February 2002 was not done surreptitiously. As far as he was aware the destruction of the files came from the orders of Governor Mogg and from P.O. Molly, Mr Jopling explained. He further explained that he did not view this as unusual because he viewed there to be no need to keep the security files in future as new files could be made on any inmates who returned to HMP Maghaberry or HMP Maze.

Mr Jopling told the inquiry that he had received a telephone call from Mr Hayes requesting information on the file destruction dates. Mr Hayes had told the Inquiry that one of the file destruction dates had been in 2000 for Maze prisoner files and another for Maghaberry files later. Mr Jopling told the Inquiry that he had informed Mr Hayes on the telephone that there had been two file destruction exercises but said that he was unaware where the further evidence Mr Hayes gave to the hearing came from. Mr Jopling told the Inquiry that he had "no idea" when the phone call was made by Mr Hayes. Mr Jopling told the inquiry that the phone call was after the evidence had been given by Mr Hayes. Mr Jopling told the inquiry that he could not remember the date when the Maze files were destroyed. Mr Jopling told the inquiry that as far as he was aware, after 2000 the Maze was left empty and the destruction of the files took place in 2002.

Mr Jopling told the Inquiry that he had never seen a file from HMP Maze with the name previously highlighted by Mr Lewis on the front cover. He told the Inquiry that it was possible for that name to have appeared on a HMP Maghaberry file but not on an HMP Maze file found in HMP Maghaberry. He further explained that he could never have shown such a file to Mr Lewis because he was not on duty at the time in question as he had suffered a stroke. Furthermore, Mr Jopling explained to the Inquiry that he had never worked weekends in his shift pattern. He explained that the layout of the office

meant that the filing cabinet described by Mr Lewis contained no files but was used to store “miscellaneous finds”. Instead he explained that files were kept in two revolving cabinets comparable to wardrobes in appearance. Mr Jopling explained that the storage facility contained no security files from HMP Maze. Mr Jopling added it was still possible that records from Maze prisoners on health and safety could have been stored in HMP Maghaberry’s file storage cage room.

Mr Jopling read out to the Inquiry the statement dated January 31st 1998 that he had previously written that was circulated within the prison. The statement contained information from HMP Maze stating that they believed the weapon that was used to kill Billy Wright had been smuggled in inside the sole of a shoe. Mr Jopling told the Inquiry that Mr Lewis would have had access to this information. Mr Jopling further explained to the Inquiry that he had written a report on the 15th of February 1998 after carrying out an interview with a prisoner. He read the report to the Inquiry where it is mentioned that “trouble is brewing” in the PSU. Mr Jopling told the Inquiry that a further report was made on the issue of prisoners attempting to smuggle weapons into the prison on the 11th of March 1998. However he explained that this report was a “rehash” of the February report. Mr Jopling told the Inquiry that he had not previously seen the military document from Northern Ireland army head quarters explaining the attempts by “ex- Maghaberry prisoners” to bring firearms into HMP Maghaberry.

Mr Joplin told the Inquiry that he had never come across a prisoner who was prepared to give information over a recorded telephone about a future plan to kill another prisoner. He told the Inquiry that such a call would have certainly gone to the Governor and forwarded on the Prison Intelligence Unit. Mr Joplin offered his personal opinion of Mr Lewis to the Inquiry saying that “He doesn’t always tell the truth or he glosses the truth ... So we are always very wary of what we speak to him about and what he is told.”

Mr Jopling told the Inquiry that he helped Governor Davis prepare a report on the weapons smuggling. He also told the Inquiry that he would have expected the Governor’s report to have been shown to the security staff on the ground.