

BILLY WRIGHT INQUIRY

Day 41: 3 March 2008

Derek Batchelor QC, counsel to the Inquiry examined AH (case officer/agent handler for the Special Branch)

Between 1994 and 1998, AH was involved in running agents both in Northern Ireland and elsewhere for the Security Service. The statement he provided to the Inquiry is based on documents that were provided by his employers to the Inquiry. AH had access to the files. AH would have had input into source reports, monthly assessments and other position papers. AH had regular contact with agents during a case. AH would also keep track of how often an agent was reporting. AH recorded the performance of an agent and had input into Management Overview as well as input into operational security (written process within the Security Service in 1997). Recording information and dealing with agents was AH's day to day routine.

AH usually worked with source reports, contact notes and notes for file. T8X was an external document (disseminated information) that was supplied to the assessments group. AH would usually make notes with his agent and then he would collect or transfer those notes to make a source report. The normal process would be to draft the source report, issue the source report and then produce a contact note. A NIIR was an intelligence report produced by the assessments group, which took the basic intelligence AH, had provided and added context to it by comments and assessments. Information discussed at the Inquiry went out in the form of a NIIR to all parties. If a contact note was kept for a meeting then other notes did not have to be kept. The source report was intelligence information. This would be disseminated within the Security Service. It would also go to the assessments group and it would also go to the RUC in general (if it affected paramilitary operations). RUC was the body with responsibility for counter-terrorism in Northern Ireland. Reports would have to be carefully written out so that the customer received unambiguous information and the agent's identity was kept safe. Thus, what was recorded was relatively accurate; however there were limitations on the information that was received from the agent.

A source report would be divided into sections; the top part was intelligence (information from the agent), source comment was clarification or opinion that the agent might provide to add context to that, and the field comment at the bottom is information that the case officer would add to help direct customers understand what they might be reading above (for more context). Therefore, if intelligence was received from an agent; this information would be circulated to people that needed to know. Professional judgment was taken in relation to who needed to know about a particular piece of information. Judgment was made by referring to intelligence requirements and maintaining relationships with those people and knowing what their responsibilities were.

If AH's information was being passed to his colleagues in the assessment group that would go by telex. Information would go to the E3A, if it related to

Republican activity. Tactical information would usually go to the region. And information to the RUC would usually be communicated in a verbal manner to inform them of the urgency of the matter and then written information would be passed on.

E3 would also receive tactical information because they acted as a clearing house where Security Service incoming information was concerned. Threats would be discussed with either the region or E3. Threats would also usually be followed up in writing. Information that was sensitive would have to be carefully written up, as it could reveal an agent's identity. Depending on the sensitivity of the information; the information might be sent to Headquarters of RUC Special Branch instead of the regions. AH did not recall ever having direct communication with the Prisons Agency. He confirmed that threats would be usually sent to the assessments group and to the RUC.

Mr Batchelor turned to a document dated October 1996, which talked about the INLA's intentions. It appeared that this document was sent directly to the prisons (by way of NIIR) by the assessments group. AH did not recall this information, as he did not have direct contact.

AH stated (paragraph 14 of his statement) "In the case of urgent intelligence, such as reporting of a threat to an individual's life, the Service would always pass on the information orally to the appropriate agency in the first instance. This would then be followed up in writing." Mr Batchelor put to him "If there was a threat to a prison officer or to a prisoner, then the Northern Ireland Prison Service would be the appropriate agency in that circumstance, wouldn't it?" AH agreed with this. However, in relation to the event he could not remember having any direct contact at any stage with the Northern Ireland Prisons Agency. Usual practice would be to pass information through the assessments group or the RUC.

A person who was the subject of a threat would be warned by the police. If the RUC said they would do something had to be taken at face value.

The purpose of a contact note was to keep a record of the interaction between the agent and the Security Service. It basically gave "a good running record of how the case was being handled." AH said that they tried to keep a contact note every time there was contact with a source. Some intelligence information would be included in a contact note, but only the broadest parameters i.e. where the agent had obtained that information.

Notes for file were a way of recording other activities (other actions related to the case). Feedback from customers would usually be in writing on the back of the intelligence report (in the form of a grade and/or a comment). A customer could comment on the NIIR, but it was usually the assessments group who commented on the value of the NIIR. "The NIIR was a finished document, an external document to the Security Service. There was also potential for the assessments group desk officer to comment on the telex which formed the basis of the NIIR and they would provide a grading and a statement on the value of that telex, even whether it went out and formed the

basis of a NIIR or not.”

According to AH, it was quite hard to get feedback from the RUC. AH had tried to get feedback over the telephone (telephone conversations would be recorded and it would go on the agent's file).

AH called in to give evidence on a reported threat to the life of Billy Wright by the INLA if he were to be moved by the Prison Service to the Maze, and particularly H Block 6 in the Maze, 1997. This was information he received from a source in April 1997.

Mr Batchelor turned to three Security Service documents. The first document titled INLA death threat (March 1996). Mr Batchelor particularly focused on 'they did not use them widely without intent' (in relation to the INLA). He always passed threats on, however he could not tell if every threat was followed up. AH agreed however that the INLA were generally regarded as an unpredictable group.

Mr Batchelor turned to another report (Military Intelligence Source Report) October 1996. This mentioned that the INLA intended to murder William McCray and Billy Wright in the very near future, Wright being targeted due to his UVF membership. AH was not aware that October 1996 was three months before Billy Wright was remanded to Her Majesty's Prison in Maghaberry, when he relinquished his bail. A Source report dated 6th January 1997 by the RUC that he may be the subject of a close-quarter assassination attempt by PIRA in the very near future.

Mr Batchelor moved on to the Security Service documents, AH confirmed the summary was accurate. AH also confirmed that on 21st April, INLA appear to have been aware that the Prison Service were providing to move Billy Wright and other LVF members, firstly, to the Maze and, secondly, to H Block 6, where INLA prisoners were already housed. AH made a comment regarding this information; he said it did not seem likely that the prison authorities would choose to mix these 2 groups in the same block. AH did not have any direct personal knowledge that that was what was proposed by the Prison Service.

He said that the prison authorities would usually keep polar parties apart, but had no expertise in this area. AH did not know much about the set up/running of Maze prison. AH had hardly any knowledge of what it would be like to share the same block (in physical terms). He assumed they would be on the same wing rather than sharing cells.

AH knew that the LVF and INLA were not on ceasefire, but did not know what co- location in the same block meant.

On 21st April, the IRSP issued a press statement setting out INLA's opposition to the proposed move (day AH got information).

From another document, it appeared that the INLA knew about proposals to move Billy Wright and his faction to H Block 6. AH confirmed that 'to attempt

to force extreme Loyalists on to a Republican socialist block at any stage would be a recipe for confrontation' and 'to do so in the run up to the marching season is an act of sheer madness' are significant comments.

IRSP and INLA have little or indeed no difference between the political grouping and the military grouping.

In another paragraph, there was a reference to resisting any attempt to force LVF prisoners on to the block and a call on NIPS to pull back from the proposal with what appeared to be an indication at least that there might be confrontation in the community if that were to happen. AH confirmed that this sort of information is something you would pay attention to when assessing the value of the information you received from your agent (also indicates tension).

According to a newspaper dated 26th April, this was the day after Billy Wright was moved; a prison spokesman said that the transfer of Billy Wright to an INLA block was a serious error of judgment and that the prison authorities must be prepared to accept whatever chain of events inside and outside Long Kesh they have set in motion. AH agreed that they were fairly strong words from an IRSP representative.

AH agreed that you would assess an agent's reliability/credibility when public statements are made (as you would not want an agent repeating what was said in a newspaper, as that is not intelligence).

AH confirmed that the information (in relation to the specific threat from the INLA) was received on the same day that there was a public statement (from the IRSP prison spokesman).

After Billy Wright was moved, there was another public statement of concern. AH said it was possible there may have been some sort of collateral in terms of Billy Wright being moved and prison authorities having to deal with the consequences as well as the intention to kill Billy Wright if he were moved to H Block 6. However, he was not sure that he would have made the connection at the time. The information AH received reflected that the INLA and IRSP were opposed to the transfer.

Mr Batchelor went back to a summary to point out that INLA prisoners were in possession of syringes with poison and had plans to assault Kevin McAlorum in that way. This information would be something AH would have had access to.

Mr Batchelor looked at another Security Service document (it was addressed to Witness DB in the RUC). The document mentioned that Kevin McAlorum had been beaten up and that if he was to go back to the same block he would be killed. This information was communicated in another way (instead of a Northern Ireland Intelligence Report). It would usually depend on who had received information and how that person decided to disseminate it at the time. AH however, did not remember this incident. Mr Batchelor said that it

appeared the RUC already had the information about the syringes/poison and therefore it looked like AH's organisation were simply offering information.

Next a police document from the PRISM computer system stated "...re the attack on Kevin McGuinness in prison on Sunday 10.8.96... The attack was carried out by Christopher McWilliams. The Chief of Staff, INLA [blank] brought the syringe into the prison for the attack. McWilliams attempted to stab McGuinness several times with the syringe, but the needle broke after the first stab." Mr Batchelor stated that Kevin McGuinness and Kevin McAlorum are one and the same person. AH and Mr Batchelor then discussed further reports in relation to Kevin McGuinness' attack and whether AH had received such information. They also discussed another Security Service report.

AH thought that the police had picked up a letter from his organisation and converted it into a Security Service document. AH agreed that this information was passed to E3A for the attention of prisons operations (so the route to the prison would have been via E3A in RUC Headquarters).

AH later confirmed on another document that under the title "Threat to Kevin McAlorum" it stated "Action sheet ref: 173-96." Mr Batchelor then stated that under the document number, there were letters 'THT' which referred to a threat. Mr Batchelor made the point that there must have been some kind of corroboration (that this type of close quarter attack had been used by INLA). To which, AH commented 'yes' as well as it reflecting a comment he made in April 1997. This information was within RUC records. Reference was also made to Christopher McWilliams.

In relation to document SS01-0218, Mr Batchelor commented "...the fact that the INLA prisoners in the prison were in possession of such syringes and poison. It would be the case, would it not, that the Prison Service would have been interested to receive even that information on 21st April 1997 or shortly after it?" AH replied by saying he assumed so. Mr Batchelor made the assumption that an attack (via the use of poison and syringes) could be readily resolved by a search of INLA prisoners in H Block 6 to which AH did not really reply to. Mr Batchelor referred AH to a summary (paragraph 1) that stated "The INLA leadership were aware of the threat to Wright." Mr Batchelor also commented that at this stage the Inquiry and AH have seen from the documents 'how, in August 1996, the Chief of Staff, as he is designated, and the number 2 in charge of INLA were reported to be involved or implicated in the attack on McAlorum by Christopher McWilliams'. AH agreed to this.

Mr Batchelor and AH then looked at some ciphers for the INLA. Mr Batchelor mentioned the Chief of Staff of INLA, the 2-IC INLA, the Ard Chomhairle member 1, the Ard Chomhairle member 2, and Ard Chomhairle member 3. AH believed that the above members were the leadership. AH commented that based on the intelligence reports he was shown; it was correct to say that more than one were aware of the INLA's capacity to attack by means of a syringe and poison. The summary had in fact stated that the leadership were aware of the threat to Wright.

Mr Batchelor also stated "The INLA intended to kill Billy Wright at the first opportunity if he were to be transferred to H Block 6..." (Kernel of the intelligence at paragraph 1). This was consistent with the reporting in October 1996 of INLA intentions- 'that they intended to kill Billy Wright and William McCray in the near future'. AH agreed with Mr Batchelor's comments in relation to INLA's intentions were consistent with the general Republican attitude towards Billy Wright, as well as what was seen in the PIRA document and what the Inquiry had seen in the document in relation to Republican threats against Wright. The background discussed gave some context to the information AH received at the time.

Given that Wright was going to be killed, AH said it did put a degree of urgency on the dissemination of such information, but he also thought a transfer to the Maze seemed unlikely at the time. However, as a case officer he was proven wrong and the transfer did take place. Mr Batchelor confirmed the transfer happened four days after the above information was received.

Mr Batchelor moved on to AH's statement. Earlier in the Inquiry, AH said he normally write up a source note and then a contact note. On this particular occasion, AH wrote the contact note first. He then wrote the intelligence up in a source report. AH did not have a reason for this. The only thing he suggested was that he knew by the 22nd that the information would have been in the possession of the RUC and therefore taking some of the urgency out of it. Page 6 of AH's statement said it is clear to AH from the documents he had, he told RUC E3A of the agent's reporting of the threat to Wright. Mr Batchelor asked what made it clear? AH replied by saying the original document had an annotation that he passed the information orally to E3A. Mr Batchelor highlighted the fact that AH sent the report to D02 in assessments group with a request to issue the report in writing to the RUC. AH confirmed he saw the Northern Ireland Intelligence Report that D02 issued on 24th April 1997. AH said he dealt with a couple of people in E3A in relation to this agent.

Mr Batchelor then took AH to a police chart to see whether AH could identify/recognise anyone. He recognised two names of people, but only one from E3 and a DI's name. The Detective Inspector's cipher was FG (reference P3). AH mainly dealt with FG. The other person AH mentioned was a Desk Officer; a person of lower rank. Mr Batchelor turned to the next page of AH's statement. AH had contact with other Senior Officers, a Detective Chief Inspector and occasionally the head of E3. Mr Batchelor then turned to another chart that was not previously available in the Intelligence Management Group (section), there was a person described as the Head of IMG. Further down the chart, there was a Detective Superintendent's position, who AH very occasionally had contact with. Coming down the E3A Republican desk line, there were two DCIs. The first one was someone AH was in contact with (roughly once a month). AH said in the regions, his contact with this person would have been at Detective Inspector level or above.

AH later commented that intelligence that was tactical activity, which might

need a police response would generally go to the region. Information which gave a broader intelligence picture would usually go to Headquarters. If AH was unsure about something, he would also send it to Headquarters. Headquarters was the clearing house. AH further said that if something was strategic or of a political nature, it would go through for a NIIR.

AH did not have a direct link to the Prison Service. AH would have known Billy Wright was in prison custody, which would have affected the way in which this intelligence went (threat to kill Billy Wright). AH said that from the documents that he wrote and spoke to E3 about, who asked for the information to be issued and therefore AH spoke to someone in the assessments group who needed it. Without AH's request for that to be issued to E3, it would not have been issued, as it was not a strategic level report. He asked for his information to be issued as he wanted the threat to be taken account of and to have been acted upon.

The sensitivity of a source did not play a part in determining how the information was disseminated to other security agencies. But, AH commented that they would normally draft the intelligence in such a way that it would provide some protection. The next protocol would have been to discuss it with the intelligence desk as to what they were going to do with it. AH also said if they were not happy with the words going out; they would have provided something more generic for their action.

Mr Batchelor moved on and asked whether it would surprise AH if Witness FG on the Republican E3A desk (as mentioned before) said he did not have any direct contact with an agent handler or case officer (such as AH). AH replied yes he would have been surprised, as they spoke and saw each other quite regularly.

Reverting to a summary (SS01-0218), paragraph 5, and the documents that have been referred to were passed orally to the RUC on 21st April 1997. The information was sent by AH to D02 on 22nd April and the summary records 'that the information was passed by D02 by means of a NIIR on 24th April 1997 to a number of addressees in the RUC'. The first was the Chief Superintendent Intelligence (Special Branch position). Then there was some confusion over certain ranks and individuals. Mr Batchelor then asked would Superintendent E3 have been the person you identified. AH replied yes. Mr Batchelor also asked whether AH identified his Deputy (Witness FG) to which AH replied yes to again.

AH's information went to another number of addressees in the Special Branch Headquarters. AH had regular discussions with several individuals in the RUC about the value of his agent's reporting over the period for which AH ran that agent. AH said the RUC sometimes confirmed that the agent's information was accurate. AH was aware that they supplied information to the RUC about a threat to an individual in April 1997 and that not long after, the RUC had taken some sort of action in relation to that individual. AH could not draw a connection between the two things above, as the RUC may have had other intelligence they were working from. Mr Batchelor then posed the question

what if the source he was working with only reported gossip or hearsay. AH answered that that would be incorrect.

Moreover, Mr Batchelor asked what if it was suggested that he only moved at a low level at the edges or within the periphery of the INLA organisation. AH established that the INLA were a relatively small organisation and that he reported on a number of individuals within the organisation (more than 50%).

In terms of the source's access of use 'so far as the intentions, the aspirations and the actions of INLA were concerned...' This was measured (in 1997) by the feedback that customers (not only the RUC) provided.

AH did not have a personal view of the agent. AH said it was simply important to produce information that was worth having. AH described himself as 'a conduit for the agent to provide the intelligence to those desks'. At the Royal Ulster Constabulary, the value of the agent was discussed more regularly and they had a difference of views from time to time. AH confirmed a difference of opinion was a common feature in his industry. Sometimes, intelligence was accepted and sometimes it was not accepted. AH further commented 'intelligence is only as good as the person or—you know, as the sub-source for the agent'. AH was aware that the RUC had its own coverage of the INLA.

AH did not remember an incident where the information about an INLA threat to Billy Wright might have had no credence. AH did not recall the RUC saying there was information that could not be relied upon in relation to the threat to kill Billy Wright at the first opportunity if he were transferred to the Maze. If he received such a response, AH would have recorded it within his file. From AH's recollection, he did not remember any negative RUC comments on his file.

Mr Batchelor moved onto a police document PS01-0205 (A document from the MACER computer system, also known as an IntRep, intelligence report. It has the same title as the documents AH was dealing with, 'INLA: desire to murder Billy Wright' dated May 1997). The second page contained the intelligence on the INLA threat. The text of the document was contained in the NIIR and in the telex AH sent (verbatim). On the police document, it said 'regular and reliable', which was an evaluation that the Security Service used for sources. A description such as 'regular and reliable' is usually assessed on accumulation of information that the source has provided, it is also assessed by the customer desk 'based on the information and how it is corroborated with other information they may have'. AH said you cannot place a percentage on what 'regular and reliable' represented. However, AH did confirm the information would have to reach a particular threshold, such as accuracy, reliability and credibility. AH did make the comment however the agent may be reliable, but the person he was talking to may not have been. That is a challenge for the desk to resolve. AH agreed that the agent had value so far as the Security Service were concerned. The Security Service would have taken confidence in such a grading (regular and reliable).

Going back to the first page of PS01-0205, AH noted that the reliability

marking was an E5. AH could not recall exactly what E5 meant in terms of Special Branch evaluation, but he would have known at the time. Mr Batchelor suggested it meant 'unreliable and improbable', which did not surprise AH. AH agreed that it was a description much lower than that of 'regular and reliable'.

AH said that the agent's information may have come from another party. Mr Batchelor said whether you could or could not lay credence on it depends on who the other party was, AH replied by saying that could be said of all agents. Someone who has direct knowledge of the threat would have been rated more highly than someone who got his information from another source. Thus, hearsay coming from someone with direct knowledge might be regarded as strong unlike something that is twice or three times removed.

AH believed that the agent he was dealing with at the time was actually reporting faithfully. The individual the agent was working with was someone he had a long relationship with and had previously discussed INLA matters in relation to other things, his information was always corroborated and therefore according to AH there was not a reason to disbelieve him. Thus, AH was not concerned about the secondary source of this information. AH then commented public statements could have been used as support, however they were not to be confused with intelligence.

AH established that the method of attack with a syringe and poison by the INLA was something significant to bear in mind especially as they used it 6 months previously. AH agreed that the INLA leadership were aware of the threat. Mr Batchelor posed the question that if in a case of information about a specific threat to life, if you were not going to act on it, then more reliable and credible information should be obtained. AH answered that he was just an intelligence provider and it was not up to him as to how that information was acted upon. AH then said if there was a threat to life that was not credible then presumably it would not be acted upon. AH was asked not to act upon a threat would require convincing contradictory information? AH said such information may have or may have not existed and that such a question was for someone else to answer. In customer feedback, there was no suggestion of any counter-contradictory information in relation to the specific threat.

Moving on, AH provided a contact note in relation to the incident that happened in Maghaberry on 28th April 1997. His information was based on what he received that day. The subject of the document was 'Source reported intelligence about hostage situation'. On the following page of the contact note, it stated 'The source reported that there was a hostage problem (confirmed by Ceefax); two INLA members in Maghaberry Prison had taken a prison warder hostage ... We agreed to speak again as the hostage situation developed'. Thus, the information AH was receiving was a live dialogue from his agent. AH did not remember when he received this information from his agent. Paragraph 15 of the above document (hostage situation) mentioned that the members involved in the hostage incident were two INLA members, so therefore a link to INLA was suggested to AH.

Mr Batchelor moved on to another document that started with 'Further to

telecom of 28th April 1997'. It was a message sent outside the Security Service. Paragraph 3 of the message said 'There is a current hostage situation at Maghaberry Prison. Two INLA members have taken a prison guard hostage and are holding him at gun point. The issue concerns the transfer of Billy Wright and the LVF to H6 Block at the Maze Prison'. AH could not confirm at this stage whether this information came from another conversation. This is because the above appeared on another similar document.

Turning the page, Mr Batchelor and AH agreed that the following text was part of the same above document "After talking to RUC E3, I can confirm that there is some substance to the report Billy Wright has now been moved to H6 Block, which used to be where the INLA inmates were housed. Some of them have now been moved to Maghaberry. It is therefore possible that this is the origin of the current stand-off." AH did not recall whether the person he spoke to in E3 was one of his regular contacts, but it was highly likely that it was. AH said the issue about the transfer of Wright and the LVF would have come from the agent and not the RUC (based on the next document AH looked at). Mr Batchelor referred to paragraph 8 "However, the RUC also think it possible the hostage situation (involving Christopher McWilliams and John Kennedy) is the result of further internecine arguments among the INLA inmates at Maghaberry." AH commented that the RUC probably found out about the hostage incident after making some enquiries. AH was then provided with more information. AH also established that "the issue- the agent's intelligence was that the issue was about Billy Wright, yes. The RUC's position was it may have been arguments amongst INLA members within the prison."

Mr Batchelor moved onto AH's note for file dated 29th April 1997. AH wrote the note for corroboration or feedback that may have been given by certain customers. He made that note that day because he 'felt that the RUC's position was initially based on one of presumption about the agent's reporting and was keen to note that we should ensure that the RUC provided us with reasoned and well-founded feedback for the agent's reporting rather than a general sense of whether the intelligence was accurate or not in any given situation'.

The document 'Conversation with E3 about reporting' stated there were two occasions where there was discontent amongst INLA prisoners in relation to Billy Wright and the LVF were to be moved into Block H6. On both occasions, AH spoke to E3 to inform them. On the second occasion he remembered he spoke to FG, but could not recall who made the comment about it being 'mad' for the prison authorities to transfer them to the same block. The reports and that contact had taken place before 28th April 1997. So in summary, AH on two occasions before the hostage incident, AH had communicated to the RUC concerns expressed by the INLA about Wright's move. AH basically got his information from his source and communicated that to the RUC, that there was a live, ongoing hostage incident in Maghaberry (making it the third occasion of communication). AH once again stated he could not remember who made the 'mad' comment.

Paragraphs 3 and 4 referred to Witness FG and AH said if that is who he spoke to then that is who he spoke to. The source overall reported 3 occasions regarding concerns of the INLA over the move of Billy Wright and the LVF to the Maze. AH basically recorded the telephone conversation he had with FG, AH recorded that FG claimed that there was an internal INLA dispute within Maghaberry. FG then reported that the agent had been in fact accurate (in relation to paragraph 4). AH then agreed that in paragraph 5, AH's source was probably correct in his previous assertions about tensions over the Wright move and FG initially rejected the intelligence before checking the facts. AH said it would have not surprised him if FG could not recall talking to him about the hostage incident, as he may have been busy doing other things.

Mr Batchelor went through more documents that provided some collateral about the information AH received about an INLA threat to Wright (were he to be moved to the H Block).

Moving on to a second note for file dated 27th June 1997. This note was written by AH, he had identified a Republican newspaper in his writing, which provided some collateral in relation to agent reporting. The newspaper was called Saoirse.

From the first note AH recorded; 'the hostage incident was reported in real time by the source after the source had provided a number of reports warning of increasing INLA concerns at the relocation of the LVF into a former INLA block'. This was written in AH's previous note in April 1997.

AH was given other information, but this time there were several reports warning of increasing INLA concerns about the LVF moving into the Maze. AH was also provided with some information regarding the INLA and the fact they were in possession of weapons and intended to use them for the protest, the RUC discarded this information at the time (according to FG). AH could not say whether the RUC discarded the entire source's reporting around April 1997.

Mr Batchelor moved on to a police document dated May 1997, it contained information on the gun McWilliams used in the hostage incident that it had been sent to the prison from the INLA in Londonderry. This information supported the fact that the INLA were involved in the protest at Maghaberry. Mr Batchelor then pointed out another link to the INLA and the hostage incident at Maghaberry, an INLA prisoner received a visit from INLA member 6 on Sunday 27/4/97 that member gave a false name and address. He had no reason to visit him and therefore may have smuggled a weapon to McWilliams.

Mr Batchelor redirected AH to another document where a Security Officer considered how the guns might have been smuggled into the prison. It said scenarios one and two are the most likely. The second sentence went on to say (after reference to the INLA cell structure- 'This has been further borne out by the fact that all individuals suspected of being directly involved have

subsequently gone to the Maze Prison following this incident'. AH agreed that this gave more indication/collateral to the fact that the INLA were involved in the hostage incident in Maghaberry. In the same document, it stated that after Billy Wright was transferred to the Maze, McWilliams was told by the outside organisation that he was to target McAlorum in order to gain acceptance with the INLA prisoners in the Maze. AH said this information could have been taken into consideration when assessing whether AH's agent was regular and reliable with regards to his reporting, but not necessarily.

Mr Batchelor also pointed AH to two other pieces of information; one stated ex- Maghaberry prisoner 1 was tasked to obtain two pen guns (by CO of INLA). The second part stated 'Ex-Maghaberry prisoner 1 was suspected of supplying McWilliams with a gun earlier-smuggling same through visits in a hollowed-out pair of training shoes'.

Next Mr Batchelor discussed the RUC intelligence report and comment document dated May 1997. This document and a police document contained the same information relating to McWilliams, Kenneway and John Glennon, who were the people who murdered Billy Wright and who were the ones trying to get guns into Maghaberry prison. 'The 2-IC INLA has tasked ex-Maghaberry prisoner 1 to get the weapons and has tasked somebody else to supply two zip guns'.

Mr Batchelor turned to a document PS01-0144 May 1997. It read 'The recent incident in Maghaberry involving two INLA men was a planned hit on another prisoner which went wrong. As a result, a prison warden was taken hostage. It is believed the INLA man had intended to shoot another prisoner for a reason which is unknown'. Mr Batchelor in relation to this added that this would have fed into the intelligence that Billy Wright might have been the target. This also would have been collateral if it had been considered in May 1997, to the information from AH's source that the INLA intended to kill Billy Wright. AH agreed and partially disagreed to Mr Batchelor's comments, as all information would have needed to be assessed. Thus, some of AH's agent's information was in fact reliable, this is because for example Billy Wright was an INLA target and the INLA were strongly opposed to his move to the Maze.

Going back to the notes for file regarding the hostage incident, AH's 'source reported on two occasions discontent amongst INLA prisoners centring around the proposed move of Billy Wright to the Maze'. The only document that was available from the Security Service regarding this is the document in which the threat is recorded. Mr Batchelor asked whether there was a report missing? AH replied no (probably something that was not worth reporting). AH had a difficult time with the RUC in relation to this agent especially whether they accepted his information or not. However, sometimes the relationship was very productive.

Notes for file were kept, so that there was some kind of record of the agent's performance and this system was also in place for others to make an assessment of the agent. AH did not always keep a note for file every time AH was in contact with the agent, as it did not meet the threshold for intelligence.

AH contacted E3 on both occasions, however there was no record of this. Not every interaction is recorded even if the customer is sceptical about the information the agent is reporting.

Paragraph 5 (a) of a particular note stated '...retains some access of use within INLA, access which might have helped prevent the prison guard being taken hostage if it had been headed by E3'. AH's summary of intelligence did not relate to any incident in Maghaberry nor do reports refer to growing discontent amongst INLA prisoners with regards to Wright being moved. Mr Batchelor asked what in AH's reporting would have prevented a prison guard being held hostage? AH commented that if the Wright tension had been managed in a different way than the prison authorities may have managed the prisoners differently and that would have removed the opportunity for the prisoners to have taken anybody hostage.

AH said that the only information he got was 'that contained in the summary about an INLA threat to Wright if he were to be removed to the Maze'. AH also said that he did not know anything about a hostage taking, there were no missing documents and that sometimes certain information was not disseminated (which was not uncommon). AH had no information about potential unrest at Maghaberry.

Mr Batchelor asked the question again why is it that the information AH's source provided might have prevented a prison officer at Maghaberry from being taken hostage? AH did not answer the question directly. He agreed that it was the Maze prisoners who were concerned about Billy Wright's move to H Block 6 and not the prisoners in Maghaberry.

Mr Batchelor then asked whether AH was aware of more intelligence than was actually issued? He said that the source commented twice that there was growing discontent among the INLA prisoners. However, if AH's second note for file (SS01- 0252) was taken into consideration 'After the source had provided a number of reports warning of increasing INLA concerns at the relocation of the LVF into a former INLA block'. 'A number of reports' suggest more than two. AH said it may have been two or three, he agreed that that was a broad statement.

Mr Batchelor made the point that intelligence reports have to be written precisely and that case officers are trained to do so. AH was trying to produce a report that was unambiguous and he also wanted to convey a trend to the agent's reporting. Mr Batchelor asked where is this trend in terms of increasing concerns in the Security Service documentation. AH said it was in a previous note- 'This is not something which we need to be concerned about because the prison authorities aren't going to move Billy Wright'. AH later confirmed he only had one document that related to the specific INLA threat against Wright.

AH agreed that there was no reporting on file of increasing concerns in a number of reports. Essentially, there was no reference to increasing concerns

in the documents that were summarised in the summary. However, there was a recorded interaction with an agent (not a note for file); it was insignificant at the time however it then subsequently seemed to have significance later on. The word AH used was 'reports' not 'information', which indicated he was getting pieces of information from his agent that were not recorded in the Security Service files. In the same document, AH wrote that the INLA were in possession of weapons and that they intended to use them in the protest, which Mr Batchelor related to the hostage incident. AH said that that was not the correct interpretation. AH believed it meant they had syringes and poison and that they were going to use them on Billy Wright (in the event that he was going to be moved to Maze prison).

Mr Batchelor remained on his point and said the article referred to guns and not syringes, which AH agreed to. However, AH did not understand why it could not be a reference to syringes. McWilliams and Kenneway did not use syringes in relation to their protest in Maghaberry Prison; they used guns. To which AH agreed to. Further, the syringes were not said to be available at Maghaberry Prison, they were said to be available in the Maze if Billy Wright were moved to the Maze. To which AH agreed to again.

Mr Batchelor stated that the document read 'the INLA were in possession of weapons in Maghaberry which they intended to use in connection with the protest about Wright's move to the Maze'. AH said that the document he wrote said they were in possession of weapons in the prison. He said he realised that it was not specific enough for the Inquiry, but it was not intended that way. Mr Batchelor clarified that anyone who read the file would have found documents in relation to an intention to attack Billy Wright with a syringe and poison if he were moved to the Maze, but the document discussed here- 'The INLA in prison were in possession of weapons which they intended to use in relation to the protest' was talking about Maghaberry prison. AH disagreed with that, he believed he was talking about the protest at a decision to move Billy Wright to the INLA block.

Mr Batchelor made another assumption in relation to the incident that happened in Maghaberry; AH disagreed once again and said that he was trying to make a more general point about the way in which INLA prisoners should have been treated.

Mr Batchelor returned to AH's statement, in particular paragraph 32- 'I attached to this note a newspaper report, which tends to support the version of events given by the agent about the motives for the hostage taking in Maghaberry'. The newspaper report stated 'Two guns were found in Maghaberry jail after INLA prisoners took a warden hostage in protest at a decision to move Loyalist Billy Wright to the INLA block in Long Kesh'.

AH's note for file dated June 1997 indicated on the grounds of Security Service records, AH had two pieces of intelligence from his agent. AH did have a piece of intelligence about an INLA threat to kill Billy Wright if he were moved to H Block 6. He did have information on the Maghaberry incident, but AH said he was not sure whether it could be classed as intelligence. AH's

agent did report that there was growing discontent among INLA prisoners, however AH could not confirm whether it culminated in a specific threat to Billy Wright.

The second set of documents AH looked at were in relation to the hostage incident in Maghaberry. In relation to Billy Wright's threat, AH was informed the likely attack was via a syringe with poison. SS01-0218 stated '...INLA prisoners at the prison were in possession of such syringes and poison'. This paragraph did not indicate whether it was in relation to Maze prison or Maghaberry prison. AH commented that he just reported the intelligence that he was told by the agent.

Mr Batchelor commented that from previous documents, it was clear to see that they were 'referring to prisoners in the Maze having the wherewithal to attack Billy Wright if he were to be transferred'. AH believed you could draw an inference from the original document, however the document did not say that 'the prisoners in the prison, i.e. the Maze, had the wherewithal to carry out that attack'. AH could not draw any other inferences, he just reported what the agent told him. AH also commented that the agent did not mention Maghaberry prison, but also did not mention Maze prison in relation to where the syringes were.

Mr Batchelor and AH both agreed that from the intelligence AH was receiving it was possible to say 'if Billy Wright was transferred to the Maze, the INLA prisoners in H Block 6 had the means of attacking him'. AH said that that was a possible interpretation and not necessarily the only one. AH also said it did not seem likely that they were talking about syringes in Magilligan Prison nor did it seem likely that they were talking about Maghaberry Prison. AH received no feedback from the RUC Special Branch where a specific threat to Billy Wright was concerned. The RUC Special Branch received the information and dealt with it, as they saw fit.

The other information AH received was what AH's source reported on the hostage incident at Maghaberry that was reported in real time. It was this report that FG rubbished. The source believed the hostage situation was because of the Wright/LVF move to H6 and FG thought it was the result of further internal INLA feuding in the prison. Thus, the issue between AH and the RUC was the motive behind the attack. AH added however it was in a broader context.

Mr Batchelor made the point that discontent from prisoners were coming from the Maze (from reports etc), which AH said was correct, but it did not mean that his agent only reported information about the Maze. AH said it was entirely possible that the agent produced generic information about the INLA prisoners.

AH did not recall whether there were any paramilitary prisoners in Magilligan Prison and/or Maghaberry Prison.

AH put on file a newspaper to try and establish the motive for the hostage

taking in Maghaberry as there was a dispute between the agent and FG as to what the reasoning was. He recorded the newspaper simply for future reference especially when it came to assessing information or the agent. AH agreed the agent potentially gave accurate information and agreed the newspaper made reference to guns. AH in his note for INLA dated June 1997 commented 'Source also provided pre-emptive intelligence that the INLA in the prison were in possession of weapons...which they intended to use in relation to this protest'. Mr Batchelor made the statement that the protest was in relation to Maghaberry about the transfer of Wright. AH disagreed with this. He did not think it was about the hostage incident.

The INLA were in possession of weapons and not syringes was asserted by Mr Batchelor again to which AH said syringes could be interpreted as weapons.

Mr Batchelor then focused on the protest; he asked AH what protest was there going to be at the Maze? AH only knew that they were going to kill Billy Wright, there was no mention of a protest in AH's intelligence. Mr Batchelor then said that the weapons that were intended for use in the protest were not the syringes in the Maze. AH disagreed.

Mr Batchelor suggested that the ordinary interpretation of the weapons was that they were going to be used in the hostage taking incident. AH said if that was the case, he would have had possession of intelligence that was going to happen, which according to AH was incorrect. Mr Batchelor suggested once again that there was intelligence saying that that there were guns in Maghaberry prison. AH objected again.

Mr Batchelor asked why was the word 'pre-emptive' used and AH said it was because the agent had already reported about the fact that there were weapons, i.e. syringes and poison. Mr Batchelor believed that was an unreasonable interpretation. Mr Batchelor repeated himself and said AH's intelligence was referring to the Maghaberry incident to which AH disagreed to again. He said he was referring to the protest as referred to in the newspaper article about the transfer of Billy Wright. AH said they were seeking to conduct attacks and this was not specific to the Maghaberry incident.

Mr Batchelor said the document was written in a way that did not support AH's interpretation. AH's pre-emptive intelligence was referring to the possession of the syringes and the poison which would be used on Billy Wright if he was moved. When AH wrote the note, he was not aware that the RUC discarded the threat to Wright. AH said that could have been because 'there were a number of reports warning of increased INLA concerns about the relocation...'

The same point was later made by AH that Mr Batchelor was trying to make AH suggest that there were firearms involved related to the Maghaberry incident, to which AH believed not to be correct, as it would have meant he knew it was going to happen. Further discussions took place on this subject. Mr Batchelor and AH eventually agreed there was no information to suggest a protest was going to happen at the Maze. AH believed that syringes were in

Maze prison. AH agreed in so far as the context of the document, it was reasonable to assume that it read what prisoners in the Maze had the wherewithal to do. AH confirmed that he had received intelligence in relation to a syringe or syringes and not to guns.

Mr Batchelor referred back to the 'pre-emptive intelligence'. AH explained once again he was referring to syringes and poison. Mr Batchelor said 'pre-emptive' suggests you had information before the event. AH agreed 'in that the intelligence was that the syringes and the poison were already in possession of the INLA in the prison, and, therefore, the attack had not yet taken place' (In the Maze Prison). Mr Batchelor said that the protest was in Maghaberry and the reason AH made a note of the newspaper because it provided collateral. AH disagreed with this and said he was providing collateral for the fact that there were tensions amongst INLA members about the plans to move Billy Wright.

Mr Batchelor turned to SS01-0240 (other note for file AH wrote day after Maghaberry), which stated 'The source was probably correct in previous assertions about tensions over the Wright move. Therefore, retains some access of use within INLA, access which might have helped prevent the prison guard being taken hostage if it had been headed by E3'. Mr Batchelor stipulated that this account could not have related to syringes and poison in the Maze. AH's intent in writing was that he believed information was passed on to the Prison Service that tension amongst INLA inmates had augmented and it might have had an impact upon the way in which all INLA prisoners were dealt with in prison and would have meant the regime was different; and therefore the hostage taking would not have taken place.

Mr Batchelor asked why was it the INLA prisoners in Maghaberry were searched if AH had intelligence saying the syringes were in the Maze. AH said that it might have been because of tensions spreading from prison to prison. AH had no idea why Maghaberry was searched, there was nothing in the report to suggest Maghaberry. His only speculation was that Kevin McAlorum had been in Maghaberry when the incident had taken place the previous year. AH further explained it was not up to him as to what the authorities were going to do.

Mr Batchelor showed AH a security information report from the prison (Oct 1997), it suggested that the authorities knew Kenneway had a gun in the prison before the hostage incident. AH made no comment in relation to this.

Later, AH agreed that the 5-man executive consisted of Chief of Staff, 2-IC INLA, AC, Ard Chomhairle member 1, Ard Coil owe member 2, Ard Chomhairle member 3 and Ard Chomhairle member 7 (elected December 1997). Relations were tense between INLA and CIRA because of the Markethill and other bombings 'that were said to be joint attacks in which the Chief of Staff and number 2-IC were heavily involved and the leadership was angry when CIRA claimed both attacks.

AH was asked to look at other documents relating to PIRA/INLA operations

and meetings. Turning to paragraph 2 of SS01-0358, AH noted that in December 1997 'an executive decision had been taken by an Ard Chomhairle to murder Billy Wright using a gun that was probably in the Maze Prison by that time'. AH agreed that as well as Ard Chomhairle being involved, other members were involved (5-man executive).

Mr Batchelor then referred to a meeting that took place in December 1997; some of the people were likely to have been part of any executive Army Council. Mr Batchelor stated in relation to item 2 that the gun was said to have been in the prison by mid December, item 3 was to attack Billy Wright when he was separated from other LVF members and was accessible to INLA prisoners, it was planned to attack Billy Wright when the watchtowers were unmanned and there was no information as to how the guns actually got into the prison. This was information AH received after the murder of Billy Wright. He learnt of this information at a meeting he attended. There was a partial contact note for that meeting.

Mr Batchelor showed AH another Security Service document dated 11th March 1998, which suggested the 'prison officers who were on duty at the time were involved, in that they allowed the killers to access the roof, and two of them, who had INLA sympathies, had smuggled the firearms into the prison some six weeks previously'. AH never received such information that prison warders were involved.

AH did not receive this piece of information- 'At the INLA leadership meeting at which the murder of Wright was approved, no consideration was given to the likely repercussions in relation to the IRSP's potential aspirations'.

AH confirmed he also did not receive any information that McWilliams was effectively enlisted by PIRA to go to the Maze to kill Billy Wright and had no information on McWilliams expressing his willingness to assist PIRA prior to the shooting of Billy Wright. AH commented that he may have had informal discussions in relation to any Security Service assessment to the murder of Billy Wright, but was not aware of any assessment being compiled.

Mr Kane examined AH (on behalf of the Wright family)

AH was aware that FG (police officer) did not recall contact between them (regarding the Billy Wright matter). AH confirmed he knew he was talking to FG at the time and that he had met him on a number of occasions.

Mr Kane stated FG did not remember any contact with an agent handler. FG in his statement said he did not remember any phone calls he had between him and AH. AH said he wrote up conversations between him and who he believed to be FG. FG also said he did not remember receiving any information from an agent regarding the transfer of Billy Wright or the hostage incident at Maghaberry. FG further commented he did not recall receiving any telephone call in relation to AH's intelligence documents. Neither did he remember discussing these matters with the Security Services, the regions or the agent handler.

Mr Kane questioned AH as to whether AH's recollection of events were entirely false to which AH objected to. AH agreed his notes at the time were contemporaneous and not a fabrication. AH confirmed his dissemination of information was not a sham for the purposes of the Inquiry. AH said he did not invent information to be processed by the police. He also confirmed a NIIR was not invented/created. A NIIR was usually sent to the assessments group. Such a document was sometimes used for the purpose of deceiving the Government for example. AH added FG might have thought the agent was not reliable and therefore did not take any notice of the reporting and may have not recalled the conversations they had. AH suspected FG was a very busy man and therefore chose not to retain certain information, as he did not regard it as important.

AH's records later proved his agent/source was reliable because he predicted the INLA would kill Billy Wright. Mr Kane went through documents that either belonged to AH or the Security Service. One of AH's documents was dated 16th December 1997, in the weeks immediately preceding the murder of Billy Wright, there was a flow of intelligence relating to the INLA.

AH commented that one of the agents he ran was an INLA agent, but that did not make him a specialist on the INLA just a specialist on that agent. AH's agent produced a lot of intelligence relating to the INLA, but not just matters relating to Billy Wright.

Mr Kane pointed out that the PSNI indicated that they had no intelligence on any meeting that took place between the INLA executive. Therefore, the meeting/information was disseminated at the desk officer's discretion. Another document dated 9th December stated at the desk officer's discretion. When AH was dealing with information during April 1997, he was not aware of the October 1996 threat against Billy Wright. AH was not sure whether the RUC had knowledge of the threat. AH discussed the RUC and their stance in relation to the 'internecine arguments among the INLA inmates' and what had caused the hostage incident.

Paragraph 8 of SS01-0237, AH agreed that there was no way you could read that the INLA prisoners wanted to be transferred to the Maze. AH believed that was a RUC view, which was later corrected. AH confirmed that the RUC was given more information (than they received from them). The RUC did however have more access than AH.