

## **BILLY WRIGHT INQUIRY**

### **Day 28: 4 February 2008**

Witness DB had recently retired from the PSNI. He had worked in the Special Branch of the RUC and handled human sources at points of his career. He had been in charge of B division in the west of Belfast and had also worked in the Source Unit in Belfast.

After going through the coded list of names with the members of the inquiry it was witness DB who established that within the INLA, the chief of staff and the second in command would be people who would take important decisions. The Ard Chomairle Member One would also take important decisions.

DB agreed that each of the regions within Special Branch were, by and large, autonomous in terms of operations between 1996 and 1998. However, he added that in terms of direction and strategy, Special Branch headquarters was “pretty much” in control. Strategic intelligence requirements came from the top.

DB examined the chart provided by the Inquiry of Special Branch roles (accountability structure).

1. The Head of the IMG (Intelligence Management Group)
2. DSI Head of Intelligence
3. Republican desk/Loyalist desk
4. E3 Departments (administration, tech, support)

Other coded areas of special branch mentioned are E9A, this was the central desk and E4, and this was described as an operational department which straddled headquarters and regions. The TCG (Tasking and Coordinating Group) were the operational arm of the Special Branch in the regions.

DB was asked about IMAGIRS (Intelligence Management Group Intelligence Reports). These were strategic intelligence documents intended for strategic audiences like the Northern Ireland Office, senior military, senior secret service members and politicians.

DB agreed with the suggestion from Mr Bachelor that after the Warner report, the IMG targeted the leading figures of all the paramilitary groups in a strategic sense. DB confirmed that the central desk, E9, ran operations targeting senior republican figures before the Warner Report was published.

DB was questioned on his knowledge of „Operation Jaw“. He recalled the name, however could not recall the nature of the operation and could not recall being involved in it.

DB’s statement told the inquiry that to the best of his knowledge “they were not running operations against the INLA 1997-1999” (at WS307-0030). DB was advised that Operation Jaw was targeting senior IRA members between 1996 and 1998. It was noted that DB was in charge of the support unit in

Belfast during that period.

DB confirmed that he had no recollection of Operation Jaw. He was given a description of a conventional surveillance operation; this did not help DB recall the operation.

In attempting to clarify the situation, the various arms of Special Branch and their scope were discussed. It transpired that DB ought to have known about the operation if it was being run by the region, however if it was being run through the TCG he would not necessarily have been made aware. DB agreed with the suggestion that if the operation was not regional, it would have been headquarters that were running it.

Intelligence coverage was maintained even during PIRA ceasefires due to the PIRA's capacity to break it. DB also confirmed that „work“ was carried out against influential INLA members, when pressed to define „work“ he described it as intelligence gathering from both human and technical sources. This information would have been both general and specific.

The Inquiry returned to looking at practices and procedures of Special Branch.

Paper files were kept on the personal details of covert human intelligence sources (CHIS). These files did not contain intelligence but had the details of payment for the CHIS.

It was the divisional Superintendent who had the authority to recruit/register an agent. The head of Special Branch and his deputy had no role in this, according to DB.

DB was certain that these decisions were taken in the region. He agreed that the head of Special Branch and his deputy would have a list of all police agents in NI. It was also established that there was a distinction made between casual contacts and recruited and registered agents. Registered agents had a code; it transpired that codes allowed the information to be put on the computing systems. (The PRISM and MACER systems).

DB was questioned as to whether code numbers could have been used for dumping information, or whether it was possible that an operative could have had two code numbers; he did not recollect anything of this sort happening.

It was established that while DB was in charge of B division the core work was agent- running. This provided much of the intelligence raw material for the special branch RUC operations. For the most part this information was from human sources. DB ran all of the police agents in his area of the city (Poleglass and Andersonstown.) If the intelligence contained information that the paramilitaries were going to act then action was warranted. If there was no need for immediate action then the information went into the system. The agent handler would then be debriefed by the source unit. The information was graded on a 6x6 coding system. A1 would be the most reliable information. D6 would be the least reliable. DB suggested that there was a

tendency to overuse the category B2. DB stated that the “need to know principle” underpinned all coding decisions.

DB and his unit would have been aware of the identity of army and secret service agents.

Intelligence was said to be assessed on its own merits, DB confirmed that the agent’s motives were sometimes a concern. Up to 1995 Source Unit officers would write out the debrief and it would be entered onto PRISM. Post 1995 the agent handlers themselves would write the debrief. There was a problem with a backlog of handlers waiting to be debriefed.

Later in the questioning DB was asked about the Project Unit; they looked after the collection of information by technical means. Its entry onto the system was the same for the human sourced information.

DB discussed how the PRISM system only held contemporary information; it was not back loaded with previous intelligence. SB50s held the previous information; these were eventually replaced by electronic Special Intelligence Reports (SIRs). By 1998 paper reports were being phased out. However paper files were in use throughout the 1990s.

It was established that agent handler files were kept by Headquarters. It was agreed by DB and the questioning panel that many of the agents that they engaged with were involved with paramilitary organisations. It was also agreed that the majority, if not the entirety of the information came from outside prison.

Information that would not have been automatically shared with headquarters related to sensitive ongoing operations which had to be kept tightly controlled.

As part of the intelligence process, key developments were discussed with the regional head of Special Branch at morning meetings. No official minutes were taken at these meetings. Officers nominated to take action took personal notes in their journal or daybook. The nature of these journals and daybooks was discussed later in the questioning; it was established that journals were kept in the police station until the officer retired or left the service at which point these were handed in. However, this was a recent development in protocol and that previously there was no system in place for the disposal of journals and daybooks.

The TCG (the Tasking and Co-ordinating Group) and support unit consulted and sometimes attempted to predict action, this was often discussed at morning meetings. The TCG used uniformed officers for arrest and search. Long and short term operations had nominated officers in charge who liaised with the TCG. It was the case that in Belfast all intelligence went automatically to the TCG. DB was unsure of how the TCG kept their intelligence and information.

DB confirmed that the E9/IMG desks had a dedicated surveillance team.

Senior management would have been involved in the planning stages of long term surveillance to assess the benefits. The decision to mount an operation would have been kept on the TCG official records.

The Headquarters Republican desk also had daily meetings with superiors. The normal means of communication for threats were discussed. Urgent threats would normally have been by telephone to the desk, or to the senior management. Either was equally likely according to DB. Urgent information would be debriefed to PRISM then MACER. Action sheets would have been sent to sub divisional commanders for the area in which the officer resided. It was established that communications by the secret service were to Headquarters rather than to the regions.

Following the procedural discussion DB was asked about the behaviour of the INLA. He commented that it was "a fair assessment to say that the INLA did not use threats widely and without intent". DB stated that in 1996 they continued to be an extremely unpredictable group.

DB was questioned about the lack of information from the 8th Dec 1997 through until the middle of January. He remarked that December was traditionally quiet for intelligence. This did not explain the lack of routine intelligence reports from both human and technical sources.

#### **Day 29: 5th February 2008**

Questions to witness ZD. ZD was head of the Prison Intelligence Unit (PIU) in the NIPS Headquarters between 1993 and the end of 1998. In 1997 ZD was acting Governor III at HM Prison Maze.

The inquiry looked at a report from 1983 on the handling of intelligence on prison issues. This report criticised the prison's intelligence system at that time: The report concluded that there was no effective exchange of intelligence, that the prison security and operations division lacked the capacity to acquire and collate intelligence and information effectively. The report's author wanted to improve flow of intelligence from security services to the prisons so that it was two-way.

The role of Prison Intelligence collator was discussed. This person was to provide a point of contact for outside agencies on intelligence and security matters, to supervise the acquisition of information/intelligence from the prison and act as a channel of communication to outside agencies. It was agreed that this was an accurate description of the role that ZD played in the PIU from 1996-1998.

The focus was then placed on the Prison Liaison Group (PLG). This group met monthly at Headquarters and was chaired by the Under Secretary of prisons at the NIO at that time. It had representatives from operations division, Special Branch, the army, army intelligence and secret service staff. ZD agreed with the assertion from the panel that the idea was to place the PLG in the intelligence structure of Northern Ireland.

The inquiry then looked at a different report, NP01 2055 from 1989. This report highlighted some serious deficiencies in the area of professional knowledge and expertise, the author of the report described the manual filing systems as simplistic and incomplete and went on to mention that they were held in an unscientific manner, were poorly validated and controlled.

ZD told the inquiry that the SASHA system was being operated in 1997. This was a computer programme which ZD explained as analysing on a 4x4 system with no analytical use. He went on to describe the uses of SASHA. In 1989 SASHA held basic administrative details of prisoners. By 1997 SASHA had been upgraded and included information on incidents, information from prison officers and association details and tendencies for individuals and for specific groups of prisoners, for example PIRA.

None of the local security department staff, as with headquarters staff, were trained in collection, collation or analysis of intelligence information. By 1997 this had changed and local staff had been trained in the 4x4 system and the upgraded SASHA system. However no one at the Maze had been trained in analysis techniques.

ZD was asked about the I2 system, he told the inquiry that witness D had been on a training course for the I2 system and that an I2 system was bought for the Maze, however it was not used.

Reference was made to ANACAPA system, ZD did not recall this system being used.

The inquiry asked ZD about formal and informal lines of communication with special branch. ZD told the inquiry that there was a Special Branch Officer located at the Maze with the army. This was also the case at Belfast but not at Magilligan, Maghaberry or YMC Prisons. ZD was unsure of what the purpose of this officer's role was.

Document NP01-2089 was discussed by the Inquiry. The document suggested that the PLG was not a good model for intelligence briefing it was described as simply a staff officer giving a list of events. ZD told the inquiry that the operation of the PLG had not changed from the description on the document by 1997. ZD described how the police were regularly in attendance; however the army and the secret service representatives were not regularly there. The Special Branch officer stationed at the Maze attended that PLG two or three times. The flow of intelligence was in one direction; from the prison to the other agencies. ZD never received information from the officer. ZD mentioned that if there had been information that he needed he felt sure it would have been given it.

The inquiry then turned to questions relating to the practice involved in intelligence work in the prisons.

ZD described how witness D divided up the prisons between himself and ZD;

they would look at the situational reports and pick up documents that SASHA generated, they would talk with security governors about any incidents. They would work through the SIRs (special intelligence reports) and other security department information including the pre-SASHA computer generated security logs. They took notes on what ZD described as „rubbing points“; these were explained as difficulties between factions, within factions and problems with officers commanding. These were essentially loyalist problems as the republicans according to ZD kept their differences hidden. ZD explained that the identification of these rubbing points was done for the smooth running of the prison and was part of routine information.

As part of these rubbing points, ZD mentioned that Billy Wright had discussed his dissatisfaction with the peace process and the UVF had discussed their dissatisfaction with Billy Wright. Billy Wright predicted that unsatisfied people would come over to the LVF. This was a concern for the prison authorities, on a number of levels, including the question of accommodation.

ZD was questioned as to whether this information went up to the PLG. His reply was that he was given no remit of information that ought to have been sought from prison sources in 1997.

ZD told the inquiry that threats were an important area of information investigation. The inquiry turned to asking ZD about the Memorandum of Understanding for the handling and dissemination of intelligence between the RUC and the NIPS (work started on this memorandum before the death of Billy Wright and its completion was after his death). ZD was asked about the purpose of the Memorandum of Understanding. He explained that different sections of the police contacted the NIPS and that there was no one point of contact for the police to deal with. He explained that he thought the Memorandum was to formalise the dissemination and handling of intelligence.

The inquiry returned to asking ZD about his standard practice. ZD continued to describe his actions detailing the Monthly Intelligence Assessment Reports which he compiled from weekly prison notes. These notes included details on threats, the integrity of the prison and slippage. (Slippage was described to the Inquiry as events such as inter block visits and inmates' behaviour). There was a six week delay before problems were discussed at the PLG. There was provision for an emergency PLG however none were ever held. ZD gave the example of the PIRA attempting a charm offensive, this was noted in the weekly notes and communicated to E3 desk at Special Branch. Another example given was that the INLA had expressed unhappiness at having the LVF in their wing; when they sent some of their personal belongings out of the prison this behaviour was communicated to other agencies.

After the murder of Billy Wright, prison officers were not investigated. ZD told the inquiry that there was no information linking officers to the INLA, so unlike the incident of the prisoner Averill's escape, where there was information linking officers to paramilitary organisations, after Billy Wright's murder there was no intelligence to suggest this so the officers were not investigated. ZD told the inquiry that the RUC investigated how the gun was smuggled into the

prison.

ZD explained to the inquiry that within the prison they started to keep files on notable prisoners. These files would include information such as the prisoner's charges, a biography, any press cuttings, any prison incidents, and SIRs. ZD did not remember there being a file on Billy Wright. The inquiry informed ZD that the Prison Intelligence unit had provided a file on Billy Wright. ZD explained that the files had fallen by the wayside by the time Billy Wright was on remand.

The inquiry asked ZD how a threat to a prisoner would be communicated from the RUC. He explained that if the RUC received a threat then they would contact the PIU or the prison in question directly if it was outside the office hours of the PIU, as they were a nine to five operation. The prison would then advise the prisoner of the threat. ZD explained that this was changed, so that the RUC would advise the prisoner, rather than the prison. No dates were specified for this change over.

ZD was asked about the accommodation provision for prisoners at risk. The Special Unit was reserved for prisoners who had clear and present danger of risk to life. These were often prisoners who had given information to the police or who were perceived to have given information to the police. This unit had a history of housing "supergrass" prisoners. The decision to put a prisoner in the Special Unit was calculated by the threat to the prisoner's life. The duty of care principle was discussed and explained using Clifford McKeown as an example. ZD could not recall any prisoners who were in the Special Unit who had not given information to the police.

The decisions relating to the movement of the two prisoners from Maghaberry to the Maze was examined by the inquiry. The RUC had recommended that they stay at Maghaberry because of threat to life to one of the prisoners. The loyalist desk at Special Branch told ZD that housing the prisoners in the Special Unit was not advisable at that time. The inquiry asked ZD how this was possible considering the serious threat to life of one of the prisoners and the threat of injury to the other. His response urged the Inquiry to consider how the paramilitary groups would seek to place a member in the Special Unit to get retribution on whoever was being held there. The balance of duty of care to all the prisoners had to be weighed. This consideration process was not carried out when Billy Wright was committed.

ZD was shown an internal security service document (SSO1-0193) relating to a conversation between the security service and PIU about accommodation for Billy Wright, from March 1997. ZD did not recall being part of the discussion. The document discussed a specific wing for him and his followers at the Maze. Billy Wright's charismatic leadership was discussed and his potential to draw supporters from other factions. ZD told the inquiry that the more separate factions there were the harder it was for the prison to manage. The Inquiry brought ZD's attention to comments he had written regarding Billy Wright while he was on remand. Billy Wright considered prison to be a safe haven at the time and was housed in the PSU unit due to the threat against

this life from the CLMC.

Billy Wright was held in the PSU from his remand on the 15th January to his conviction date, 7th March. The prison felt that they couldn't risk putting him in a normal location within Maghaberry as although it was integrated there were still paramilitary prisoners. Yet Billy Wright made it known that he did not want to be kept in the PSU under the duty of care rule (rule 32). ZD told the Inquiry that there was never any consideration of housing Billy Wright in the Special Unit.

Reference was made to a petition found in a cell signed by 35 prisoners saying that they believed Billy Wright to be held in inhumane conditions and that he would not be harmed if removed from the PSU. The signatures were from UFF members or members not accepted by prisoners at the Maze. It was discussed that this could have been a dupe to put more pressure on the prison service to make a special wing for Billy Wright and his followers. Another pressure point was discussed in the document, which suggested that Billy Wright would go on hunger strike and that his number two was overheard saying that attacks would be carried out on prison officers in the near future.

The reaction of the UVF was discussed after the tightening of rules after the discovery of the PIRA tunnel and the idea of a separate wing for the LVF at the maze.

ZD went through a chronology of events and the increase of members to the LVF wing, by July there were 28. INLA members did not want to share accommodation with the LVF. They had fewer members. The LVF rioted on August 13th. By September Billy Wright was suggesting to the prison authorities that there were 30 prisoners awaiting transfer to the LVF areas. A moratorium was placed on transfer of prisoners to the LVF wings until December because of the disorder they had been involved in.

ZD was asked about visits to prisoners over the Christmas period. He explained that it was a problematic period for the prisons because staff cover only allowed two days of visits just before Christmas, ZD explained that it was a highly emotive time for prisoners.

In his December report ZD had mentioned that the three INLA prisoners involved in Billy Wright's murder were in the PSU at Maghaberry. This was to ensure they were segregated from other prisoners and each other. ZD described this as keeping them in aspic. Pressure was put on to have these prisoners returned to the Maze. ZD's report also noted that the LVF were missing their charismatic leader.

The Inquiry asked ZD about his involvement as a commander for the hostage situation that occurred at Maghaberry. ZD was asked about his interest in the information and intelligence leading up to the hostage incident and after it. ZD explained that after the situation he did not look at the intelligence reports as he was happy that it was over.

ZD was asked about the transfer of the prisoners McWilliams and Kenneway to the Maze. ZD was surprised at how quickly they were transferred and the only reason he could think for this happening was the fact that the prison authorities were constantly concerned about the careful balance within Maghaberry being upset as it was an integrated prison and it was important to them to keep it that way. ZD would have expected the police inquiries to be finished before the prisoners were transferred. ZD highlighted that although the INLA were small in numbers they were an active faction and not afraid of issuing direct action as well as threats. The backgrounds of McWilliams and Kenneway were discussed.

ZD was asked about his conversations with Billy Wright about accommodation and visits during the tightening of rules after the discovery of the PIRA tunnel. During the course of these conversations ZD had expressed his concern to Billy Wright. This was a direct conversation with Billy Wright and ZD did not express this concern to the PIU or elsewhere within the prison service. The meetings between Wright and ZD were attended by another governor and Billy Wright's second in command. Minutes were taken and a copy given to the PIU.

After an examination of various intelligence documents relating to the movement of Billy Wright and other prisoners and the hostage situation previously mentioned ZD was asked if he felt there was a failing in intelligence at that time. He did not think there was a failing in intelligence and felt that intelligence was not a „silver bullet“ and it could not be expected to predict accurately or be relied upon all the time. He drew comparisons to recent failures in intelligence which have had terrible consequences, and cited the example of the shooting of Jean Charles de Menezes. Following quite a heated discussion the inquiry was reminded that if questions were too implicitly or explicitly criticise the witness then they should be served notice of a considerable period before the evidence was given. The questions at that time were being asked by Mr Kane, acting for Billy Wright's family, and he did not believe he was criticising the witness.