



Northern Ireland Affairs Committee

Oral evidence: [Administrative scheme for ‘on-the-runs’](#), HC 177

Monday 8 September 2014

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Members present: Mr Laurence Robertson (Chair); Oliver Colvile; Lady Hermon; Kate Hoey; Naomi Long; Nigel Mills; Ian Paisley; David Simpson.

Questions [2492-2670]

Witness: **Jonathan Powell**, Chief of Staff to Prime Minister Tony Blair (1997 – 2007), gave evidence.

Q2492 Chair: Mr Powell, you are very welcome. Thank you very much for joining us here today. You know we are conducting an inquiry into the on-the-run scheme, which was really triggered by the case regarding Mr Downey¹, but since we have started the inquiry obviously we have discovered a lot more information, and we are very grateful to you for helping us with our inquiry.

Would it be helpful if you gave us a brief opening statement about the scheme, your involvement and anything else you want to tell us?

Jonathan Powell: Yes, I will be very brief, really. I was an integral part of the negotiations on Northern Ireland as Tony Blair’s Chief of Staff from 1997 to 2007. I was an integral part of the scheme.

Lady Justice Hallett deserves to be congratulated². She has done a remarkable job in a very short period of time. She has a very clear understanding of what happened and I agree with all of her judgments. I very much doubt I will have much to add to it, but I will be happy to answer any questions.

Q2493 Chair: Thank you very much. It might be useful to start at the beginning. We have been trying to define exactly when the scheme started. Presumably you can tell us.

¹ A link to “The Queen v John Anthony Downey, Judgment: Abuse of Process” can be found here: <http://www.judiciary.gov.uk/wp-content/uploads/JCO/Documents/Judgments/r-v-downey-abuse-judgment.pdf>

² A link to the Hallett Review report can be found here: <http://www.hallettreview.org/report/>

Jonathan Powell: Actually, Lady Justice Hallett gets it just right: this scheme evolved. When the first names were put to us, we had no intention of a scheme; it was simply dealing with a few individual names. As she describes very accurately in this report, it gradually developed into a scheme.

Q2494 Chair: How crucial was it to the peace process? We have heard various accounts of that. In your view, how crucial was it? I do not mean the scheme as such, because you are saying that evolved, but was dealing with some of the names which came to you originally very important? Because not all of them were dealt with in the way that Sinn Féin might have wished.

Jonathan Powell: It is important to try to separate out two issues here, again as Lady Justice Hallett very accurately does. There is the issue of dealing with the OTRs and, in addition, the issue of dealing with the administrative scheme. The administrative scheme was not an answer to the problem of the OTRs. We were approached in the negotiations in 1999-2000 by Sinn Féin, asking us to solve the problem of on-the-runs.

This is a problem that arises in most negotiations like this. Once you have dealt with people in prison, there is the anomaly of people not in prison with the same sort of status. They asked us to try to deal with that problem. As you know from Lady Justice Hallett's report, Tony Blair wrote to Gerry Adams³, saying he would try to solve this problem. We then spent the next nine years trying to solve it, including by legislation, but failed to do so. When we left Government, we had not solved the problem of on-the-runs.

The administrative scheme was trying to deal with people who were not wanted. The on-the-run scheme was to deal with people who were wanted. The administrative scheme was to allow people to come back who were not wanted. It is a very different thing.

Q2495 Kate Hoey: Why had they gone away?

Jonathan Powell: Many people left for different reasons. No doubt they were suspicious that they were wanted; they thought they were going to be persecuted. I do not know. I cannot possibly answer for individuals.

Q2496 Chair: One of the pieces of evidence we received that troubled us a little bit was from the then solicitor to Sinn Féin, Barra McGrory⁴, who is now the most senior prosecuting officer in Northern Ireland. He said under normal circumstances the police may well have wanted to speak to those people who did receive letters. Is that not a little bit troubling?

³ The letter from Tony Blair to Gerry Adams on 5 November 1999 can be found here: [http://www.parliament.uk/documents/commons-committees/northern-ireland-affairs/Letter-from-Tony-Blair-to-Gerry-Adams-\(5-November-1999\).pdf](http://www.parliament.uk/documents/commons-committees/northern-ireland-affairs/Letter-from-Tony-Blair-to-Gerry-Adams-(5-November-1999).pdf)

⁴ A transcript of Barra McGrory's oral evidence to the Northern Ireland Affairs Committee on 10 June 2014 can be found here: <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/northern-ireland-affairs-committee/administrative-scheme-for-ontheruns/oral/10426.html>

Jonathan Powell: Could you say that again?

Chair: When I questioned him in Belfast, Mr McGrory said that in normal circumstances the police may well have wanted to speak to those who did receive letters. Is that not a little bit troubling? Does that not blur the line that you were attempting to draw?

Jonathan Powell: No, there is a clear distinction between people who are wanted and people who are not wanted.

Chair: The letters were saying to people, “You are not wanted”.

Jonathan Powell: Yes, exactly.

Chair: Mr McGrory’s view was that in normal circumstances—in other words, if there were not a peace process to be dealt with, which there was—they would want to speak to those people. That was his clear evidence to us.

Jonathan Powell: I am not a lawyer; I cannot speak for Mr McGrory. However, looking at Lady Justice Hallett’s report, she clearly thinks this was an entirely lawful thing. It strikes me that it was the right thing to do.

Q2497 Oliver Colvile: Thank you very much for coming to see us. As you may know, I have some concerns about how this whole process has operated. I am sure you have read the thing. We met John Larkin⁵, who, as you may know, is Attorney-General for Northern Ireland, on 10 June earlier this year. I just want to quote from Hansard to you. “I think ... that one of the great concerns is the relative secrecy of the process. I think there are two elements, when one strips it down. There is firstly simply letting someone know that there are no active proceedings in contemplation on the basis of a certain corpus of knowledge at a particular time. But then this is the bit that, oddly enough, troubles me—I do not think it has received as much attention—which is saying to someone, ‘Look, you are wanted,’ with the implication, ‘Don’t come back.’ I think that gives rise to issues under section 4(1) of the Criminal Law Act (Northern Ireland) 1967 and also the common-law offence of attempting to pervert the course of justice. Obviously, on the one hand, if one is dealing with someone who has made it absolutely clear that they are not coming back and you happen to pass on to that person that it is not safe for them to come back, neither of those offences may be committed, but the issue, certainly it strikes me, is at large.”

My understanding is you then wrote to Lord Williams of Mostyn, who was the Attorney-General at the time, on 23 June 2000⁶—this is about Rita O’Hare—saying, “I met her once on 12 April at a three-way meeting between a British delegation, an Irish delegation and a Sinn Féin delegation. On the British side were myself, Bill Jeffrey and Jonathan Stephens. I know Bill Jeffrey is providing you with a record of that meeting.” I am delighted that we have got a copy here. “My recollection is that at the end of that meeting Gerry Adams

⁵ A transcript of John Larkin’s oral evidence to the Northern Ireland Affairs Committee on 10 June 2014 can be found here: <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/northern-ireland-affairs-committee/administrative-scheme-for-ontheruns/oral/10443.html>

⁶ Jonathan Powell’s letter to Lord Williams of Mostyn (23 June 2000) can be found here: <http://www.parliament.uk/documents/commons-committees/northern-ireland-affairs/Letter-from-Jonathan-Powell-to-Lord-Williams-of-Mostyn-23-June-2000.pdf>

suggested jocularly that Rita O'Hare should join us at the next meeting in Belfast. I said it would not be a good idea, as it was likely that she would be arrested."

My concern is that you actually said to Rita O'Hare, in effect, through some members of Sinn Féin, that she should not come back because she was going to be arrested. Frankly, why did you not say you actually wanted her to come back to face justice, which she had absconded from by breaking her bail and going off to Dublin and so on? Why should I not take this and give this to the PSNI to get them to investigate all of this? I am just a backbench member of Parliament and a member of the British public. I want to make sure that those people who are wanted by the police should face prosecution and justice as well.

Jonathan Powell: I was trying to conduct a peace negotiation and trying to get to an agreement on these things. O'Hare had not come back for 30 years in that period. We were trying to see if we could find a solution to her case. She was a strong supporter of the peace process. Gerry Adams and Martin McGuinness made the case that she should come back, because she could contribute to the peace process very strongly if she came back and her father was about to die, as indeed he did.

We were looking to see if we could find a solution to that. We could not have found a solution to it had she come back and been arrested, feeling she had fallen into a trap by me trapping her into coming back; the peace process would have been dead. It would have been a very bad idea.

Q2498 Oliver Colvile: Surely, though, if someone is actually wanted for committing a felony murder or whatever, she should be encouraged to come back to this country, to meet with the police and actually give them that statement. Are you saying that the justice issue was less important, then, than the peace process?

Jonathan Powell: I am absolutely not saying that justice was less important, but you have to come up with a balance in a negotiation. In the Good Friday Agreement we had provisions on releasing prisoners. I find it extremely distasteful to release prisoners after only two years—people who have murdered people. It was a necessary part of the agreement. It was a balance in the agreement.

You cannot have a peace agreement that is à la carte, where you choose one bit and not the other bit. You have to balance the things up, and that is what we were trying to do.

Q2499 Oliver Colvile: You could not even encourage her to come back to this country, for her to do time in a British jail and then actually have the two years and come out after two years as well. There is a big issue here, and that is that we speak regularly to families, who say to us, "Excuse me, but whereabouts will we actually see justice for our loved ones and our families who have been killed during the course of it?" Frankly, we do not know what to say. It would be helpful if you could actually tell me what we should actually be saying to the families.

Jonathan Powell: If I were in your position and I were meeting a victim, what I would say is that in nearly all peace agreements—from Colombia to Spain to anywhere else—there

are very difficult balances that have to be made between victims getting justice and trying to get to peace so there are no more victims.

What we did in Northern Ireland was very difficult. We had to make decisions, as I say, with releasing prisoners, that were very distasteful. In the end, however, those are the balances you have to make if you want to make a lasting peace. If you want to destroy a peace process, you can do so if you try hard enough, but then you will end up with more victims, and you will have to answer to them as well as those who have already been made victims.

Q2500 Oliver Colville: Having warned Rita O'Hare, in effect, not to come back to this country, you then did meet with her, because you met with her in Dublin. It was some time in July, was it not? Do you think that was the right thing to go and do as well?

Jonathan Powell: Absolutely, yes. Rita O'Hare was part of the Sinn Féin delegation. She was negotiating with us on peace. I met a number of distasteful people in the course of making the peace process on both sides, but that is necessary if you are going to make peace. You cannot just meet nice people.

Q2501 Oliver Colville: She had run away from the courts system, however, and you felt it was alright to actually have a chat with someone who was wanted back in this country.

Jonathan Powell: As I say, a lot of people I dealt with had very chequered pasts. If you want to make peace, those are the people you are going to have to talk to.

Q2502 David Simpson: You are very welcome, Mr Powell. As one who in effect implemented the process—Mr Blair may have come up with it, but you were the one who implemented it—would you agree with the Secretary of State last week in her comments⁷ that the letters are now worthless—not worth the paper they are written on?

Jonathan Powell: As say, I am not a lawyer. I have absolutely no—

David Simpson: Would you agree with what she said: that they are worthless?

Jonathan Powell: I have absolutely no basis of knowing one way or the other. You would have to ask a lawyer to answer that question. I have no idea whether a court would uphold those or not.

Q2503 David Simpson: You have mentioned there that in any peace process you have to talk to some murky people, difficult people or whatever the case; I cannot remember the

⁷ A transcript of Theresa Villiers' oral evidence to the Northern Ireland Affairs Committee on 3 September 2014 can be found here:

<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/northern-ireland-affairs-committee/administrative-scheme-for-ontheruns/oral/12202.html>

exact words you used. However, in effect, this process was set up to placate the provos. There were no loyalists involved in this. This system was to set up a process for republicans at the behest of Gerry Adams. How close were you to Gerry Adams in all of this process and why was it that Rita O'Hare was so important to a lot of this?

Jonathan Powell: I did meet a number of loyalists in the course of the peace process. What we were trying to do at this stage was to persuade Sinn Féin and the IRA to hand over its weapons. That is what the negotiation was about, because we were trying to get the institutions up and running. The issue of OTRs was an issue in that, but it was the general issue of OTRs. It was the issue of, "Would we solve all of the problem?"

That is the undertaking we gave and we never managed to solve that problem. I do not think I met Rita O'Hare again after those early incidents, but Gerry Adams and Martin McGuinness made the case that she was a crucial person for the peace process, that she was a strong supporter of it and that she had strong support within the movement.

Q2504 David Simpson: Maybe you cannot answer this, but what were the overall security concerns at that particular time that made Tony Blair give in to Gerry Adams and his request in relation to dealing with the OTRs? What was the overall concern?

Jonathan Powell: In a negotiation, you are trying to find compromises on both sides that allow things to happen. It is not a matter of giving in. We did not give in to the IRA demand for a united Ireland. We persuaded them to settle for the continuation of Northern Ireland. Sometimes in those negotiations you have to make concessions on both sides. We made concessions to unionists and we made concessions to republicans and nationalists to try to get the peace process in place. That was the process we were engaged in.

Q2505 David Simpson: In this situation, the so-called loyalists were not placated; it was the Provisional IRA that were placated in order to keep them on board, to keep the process going. If the OTR scheme had not been put in place, do you believe that Sinn Féin would have walked away from the political process?

Jonathan Powell: If we had not agreed to solve the problem of the OTRs, we would have found it much more difficult to get decommissioning in place and get weapons out of Northern Ireland.

In terms of the loyalists, the loyalists were not asking for this. They were asking for other things and, yes, of course we met and negotiated with them, including the late and very much missed Davey Ervine.

Q2506 David Simpson: You were involved in implementing the scheme, and I assume, maybe wrongly, that you have seen the list of names that went forward and the letters that were being issued, and that you would be aware of the names on the list.

Jonathan Powell: I certainly saw the first few lists that were handed to us. I very much doubt I saw the eventual list. If I did, I would not possibly be able to remember any of the names.

Q2507 David Simpson: From the lists that you did see, can you remember those?

Jonathan Powell: No. I can honestly say I would not remember a single one of them.

Q2508 David Simpson: If you did remember the names, would you be willing to give the names to the Committee?

Jonathan Powell: Not after what the Secretary of State told you, no.

Q2509 David Simpson: I thought so. Lastly, in relation to victims, it was mentioned that the attitude of victims, as I am sure you are well aware, is that they are disgusted with this scheme. They think it was a dirty, murky deal that was done to placate republicans. In effect, the victims of the crimes that these individuals could have been guilty of will now not see justice. What is your feeling on that? Despite the fact that you say that in other countries—Colombia and different places—there are deals that have to be done, over 3,000 people died: security-force members, people who went out to defend their country. Now, the implication of all of this could be, in effect, that they will never see justice.

Jonathan Powell: One of the things that Lady Justice Hallett brings out very clearly in her report is that there has been a lot of misunderstanding and misreporting about this scheme, which has been used to whip up sentiment and to upset victims. That is a terrible shame, because victims are the ones who we should actually be thinking about—those who really suffered in these cases. It is really regrettable that that has happened.

There was no deal in this case, because we were never able to deliver on OTRs. What we had offered to do was to solve the problem of all the OTRs—i.e. those who were wanted, not those who were not wanted. We failed to do that. We tried to pass legislation; that legislation failed. There was no deal, murky or otherwise. It really is verging on irresponsible to use this to try to make victims, who have already suffered enough, suffer more.

Q2510 David Simpson: Lastly, in relation to secrecy, while we have been told that the PSNI were aware of some sort of scheme that was in operation, in evidence that we have received from RUC senior officers they have made it very clear that they were not aware of any letters being issued to these individuals. Why would that be? Why would that information be held back from the security forces?

Jonathan Powell: I do not know. What Lady Justice Hallett says is that the scheme was not secret. It was actually administered, certainly in its later stages, by the police, by PSNI. I do not quite understand why the police would not know about it.

Q2511 David Simpson: You would find that very strange, that senior chief constables and other detectives were not aware of the letters that were being issued to the so-called individuals who were in fact responsible or whatever for many, many heinous crimes.

Jonathan Powell: Given that it was administered by the PSNI, I would have thought that a very large number of PSNI officers were aware of it. If they did not tell other PSNI officers—maybe there was some scheme to keep it separate from the rest of the police; I do not know. It is something I cannot really comment on, because I do not know.

Q2512 David Simpson: You believe that some of the RUC or PSNI officers at that time would have been aware of the letters and did not tell anybody else. Is that what you are saying?

Jonathan Powell: No, I am saying the scheme was administered in its later stages by the PSNI, so the PSNI as an institution was aware of it. How the information was shared within the PSNI, I have simply no idea. I cannot know.

Q2513 Oliver Colvile: Mr Powell, can I just make this point as well? You said you could not remember a single person who was on that list. There is John Downey, of course, who we all know about.

Jonathan Powell: That is true, but he would have been added at a stage when I was not looking at the list. It was very late 2007, just before we left office.

Q2514 Kate Hoey: Had you ever heard of him before the court case?

Jonathan Powell: No.

Q2515 Oliver Colvile: Not even on 19 May 2013, when he came back to this country saying, “I have these letters.”

Jonathan Powell: Sorry?

Kate Hoey: In 2013, when Downey came back to this country, he ended up saying, “At the end of the day, I have these letters that actually say that I am not going to be prosecuted.”

Jonathan Powell: No, I did not know anything about him until he was arrested and charged.

Q2516 Oliver Colvile: Yes, when he was arrested, and he came back to this country, at Gatwick airport; it was all over the national news. Everybody knew about it. So there was one person you did actually know that was on the list.

Jonathan Powell: I knew when it became public that he was on the list. I did not know when he was arrested that he was an OTR. That became public later.

Q2517 Ian Paisley: Jonathan, it is nice to see you. How would you characterise your relationship with Gerry Adams?

Jonathan Powell: I would say that my relationship with Gerry Adams was professional, as it was with everybody I negotiated with on both sides.

Q2518 Ian Paisley: That was your professional activity with him. I would expect you to be a consummate professional, but your relationship might go slightly deeper than that. You were Gerry Adams's go-to man if he wanted to get anything done with the British Government. You have used the words "distasteful persons". Does he fall into that category? Does he fall into "friend" category? Does he fall into "enemy" category? How would you describe that relationship?

Jonathan Powell: I have written about my relationships with all of the negotiating partners on the union side and the republican side in the book I wrote about the Northern Ireland peace process. You probably do not want me to dilate on this, because I have just finished another book on talking to terrorists more generally around the world.

There is an interesting question—

Ian Paisley: No more advertising, please.

Jonathan Powell: You have very kindly given me the opportunity. However, a lot of it is about whether you should fall into the category of "friend" or whether you actually want to make progress. I tried, as best I could, to be neutral, independent and professional, and that was my ambition.

Q2519 Lady Hermon: Do you still keep in touch with him?

Jonathan Powell: I run a charity that works on conflict around the world and we sometimes send people from Sinn Féin, people from the unionist parties and people from the loyalist parties to other parts of the world. We have not sent Gerry Adams, but we have sent other members of Sinn Féin.

Q2520 Lady Hermon: But have you spoken to him recently? Have you spoken to Martin McGuinness or Gerry Adams?

Jonathan Powell: Yes, Martin McGuinness came with me on a visit to Spain in July.

Q2521 Ian Paisley: In terms of that relationship with Gerry Adams, which you say is neutral and professional, that would probably not be reflected on the unionist side. They would regard you as being more on the Sinn Féin side, because of the proximity that you had with Sinn Féin during that whole period.

Jonathan Powell: No, to be honest, I would say the contrary. Before I came to work in Number 10, I had been a British diplomat working in the embassy in Washington trying to stop a visa for Gerry Adams to go to Washington. I worked very closely with unionists both from your own party and the Ulster Unionist Party, so, on the contrary, I would actually have been seen, particularly while Mo Mowlam was Secretary of State, as a person who was rather far over on the unionist side.

Q2522 Ian Paisley: You think you were down-the-line professional at all points.

Jonathan Powell: One of the interesting things about the Northern Ireland peace process is that you risk ending up on one side or the other. Mo Mowlam was then seen as a republican and a nationalist sympathiser. Peter Mandelson was seen as a unionist sympathiser. It is very difficult to be in the middle. I did my best to be so.

Q2523 Ian Paisley: Are you currently engaged in any peace work in Northern Ireland?

Jonathan Powell: No, not peace work. I have been to Northern Ireland a couple of times in the last six months.

Q2524 Ian Paisley: But no work in terms of engagement with loyalist or republican communities or anything like that.

Jonathan Powell: No, I have met politicians but I am not engaged in peace work.

Q2525 Ian Paisley: Yes, but are you engaged in any sort of work with regard to the process and the outworking of the process in a professional capacity?

Jonathan Powell: I am not engaged in any process at all. I have met politicians, both from the loyalist side and from the republican side in the last six months.

Q2526 Ian Paisley: Is that just for the craic? Why are you meeting them?

Jonathan Powell: Because I still feel a sense of responsibility and loyalty to what I put a lot of my life into and making sure it does not collapse.

Q2527 Ian Paisley: With that in mind, how do you feel about last week's apology by the Secretary of State and Jonathan Stephens, given that you poured seven years of your life into this?

Jonathan Powell: It is entirely up to them what they feel about this process. As difficult as it was, the process of trying to get to peace in Northern Ireland and the difficult compromises that were required was the right thing to do, and this was part of it.

Q2528 Ian Paisley: Were they right to apologise?

Jonathan Powell: It is entirely up to them.

Q2529 Ian Paisley: Come on. Let me ask you this: was David Cameron right to apologise for Bloody Sunday?

Jonathan Powell: I thought David Cameron made a very good speech on Bloody Sunday. I thought it was one of the best things—

Q2530 Ian Paisley: I am not talking about the technicalities of the speech. Was he right to apologise?

Jonathan Powell: Yes, because, as you know, we already apologised right back much earlier.

Q2531 Ian Paisley: Was Theresa Villiers then wrong to apologise last week?

Jonathan Powell: I would not want to condemn her for apologising. It is entirely up to her.

Ian Paisley: She was right to apologise, then.

Jonathan Powell: I would not apologise for what we did; I think it was the right thing to do.

Ian Paisley: You do not think it was the right thing to do—to apologise.

Jonathan Powell: No, I think what we did was the right thing to do.

Ian Paisley: Just to be clear—there is no point dancing around it—you think she was wrong to apologise last week, because of what—

Jonathan Powell: No, she is entirely entitled to do what she thinks is right. She was not in Government at that time; I was in Government at that time. I think what we did was right.

Q2532 Ian Paisley: Given that the current Government has apologised for this part of the process and given the fact that many victims—some reflected in the audience behind you—feel there has been a miscarriage of justice, in particular relating to the Hyde Park bombing, no matter what your motivations were and the professionalism of your motivations and your activity, is there any sense of shame that what happened has worked out in this way, that a miscarriage of justice has occurred?

Jonathan Powell: No, because, again as Lady Justice Hallett lays out very clearly, the reason a miscarriage of justice happened was that the police made a mistake. They did not mean to make a mistake, but they did. It was most unfortunate; it does not apply to the other cases. If you issue a letter saying to someone they are not wanted when they are wanted, it is likely to lead to a problem.

Q2533 Kate Hoey: Sorry, Ian, can I just come in on one little thing? You then, personally, are blaming this whole saga on the PSNI or the RUC or a policeman.

Jonathan Powell: Absolutely not, no. It is quite wrong to blame the police, who were doing their very best to do a difficult job with a lot of names and a lot of papers they had to move around. I would not want to be in the position of blaming the police, who do a fantastic job in Northern Ireland. I am not blaming anyone: it was a mistake.

Q2534 Ian Paisley: You were there right from the beginning, the genesis of this, where it was a few names and then 12 names and then 36 names and, today, hundreds of names. Do you believe that the whole process got out of hand?

Jonathan Powell: No. Certainly there were many more names than we anticipated at the beginning of the process, but, as you will see from the papers in Lady Justice Hallett's report, that is why we were looking for a general scheme from the very beginning. We wanted to find a way of dealing with the problem—not with the problem of the people who were not wanted, but the people who were wanted.

We tried many different solutions to it. At one stage David Trimble suggested a solution that we looked at quite seriously a number of times, but we could not find anything that worked other than legislation, which was indeed what the very first Attorney-General had told us would be necessary in the end. He proved to be right. We tried the legislation; the legislation failed. We were then left with no way of solving the problem and we left Government without solving it.

Q2535 Ian Paisley: There was a lot of to-ing and fro-ing between yourself, Peter Mandelson, Bill Jeffrey and others within the NIO about these numbers. Was there not any sense of unease that Sinn Féin were, to use the vernacular, taking the mickey by putting so many names on this list?

Jonathan Powell: No, presumably the problem was they did not get the right number of people at the beginning. Once it got going, they then turned in a longer list of names. I

simply do not know. We were surprised when we were told there would be a certain number of names and then there were more. It was one of the reasons we wanted a general solution.

Q2536 Ian Paisley: You do not think there was any sense, Jonathan, that Sinn Féin saw a chink in the armour on this issue. It was clear that there were discussions about amnesty and all sorts of discussions that they decided to keep pushing. Inevitably, there was a rollover.

Jonathan Powell: It would have been very illogical if they had approached it in that way, because as a negotiator what you want to do is put it up front. What they should have done is come up with a full list right at the beginning and demanded that. I suspected much more it was inefficiency rather than anything else.

Q2537 Ian Paisley: You do not think they could not believe their luck.

Jonathan Powell: No, I do not believe that. They wanted to have a general solution to OTRs. They were offered that and they never got it.

Q2538 Ian Paisley: Shaun Woodward, when he gave evidence to us⁸—and, indeed, there is some evidence of this in your own notes, the Cabinet paper notes, it would seem—told us that this process was a necessary part of keeping the peace process alive, because, if they had not have done this, the whole process would have probably fallen apart at that point. Is that a fair reflection? Was it so critical that, if you had not sorted this out around 2000 or 2001—whenever you were in these discussions—the peace process would have fallen apart? Was Sinn Féin that close to walking away?

Jonathan Powell: One of the interesting things that happens in peace processes, again not just here, is the problem is always seen as insoluble until it is solved and then it is seen as inevitable that it was always going to be solved. It is neither insoluble nor inevitable. At any stage this process, like the Middle East process, could have tipped over into disaster and it was a very difficult balancing act to keep it going.

Dealing with the issue of OTRs—not the administrative scheme, but the offer to solve the problem of OTRs—was critical at the time of Weston Park, before and after. If we had not had it there, we may have had real difficulties in trying to get to a solution, yes.

Q2539 Ian Paisley: You do not think you maybe should have called Sinn Féin's bluff on this one a bit earlier.

⁸ A transcript of Shaun Woodward's oral evidence to the Northern Ireland Affairs Committee on 9 April 2014 can be found here:

<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/northern-ireland-affairs-committee/administrative-scheme-for-ontheruns/oral/8472.html>

Jonathan Powell: Of course, at any stage we could have called Sinn Féin's bluff. We could have called their bluff on the release of prisoners. We could have said, "No, we are not going to release prisoners after two years." We could have said, "No, we are not going to do OTRs," or, "No, we are not going to reform the RUC." We could have done that at any stage. It is impossible to know in retrospect whether that was too much or too little, but if we had risked it and we had not got to a peace process, there would be a whole lot more victims.

Q2540 Ian Paisley: You kept a contemporaneous diary at the time. Was there a feeling in your own view, then, that this was knife-edge, and that if you did not get this right they would go back to war.

Jonathan Powell: Yes, and there were reasons for thinking that right through to really quite late in this process. Again, people like to write history backwards and say it was all solved after 9/11. It is just not true. At any stage you could have tipped this back into war if you had taken a misstep.

Q2541 Ian Paisley: Is there not some strength in the argument that the British Government became weak at that point, because they conceded on the threat that they would go back to war? Is there not some strength in the argument that the British Government conceded to Sinn Féin because of the fear of going back to war?

Jonathan Powell: No. Again, it is an interesting point, because there is a very difficult balance you have to have as a Government between, on the one hand, absolutely not negotiating under violence or the threat of violence and, on the other hand, not tipping something back into violence by mistake—as for example happened with John Major when he was very nobly trying to get the peace process going, which he himself started, when he could not get Sinn Féin into talks. We then ended up with Canary Wharf and the campaign in Lisburn and elsewhere. You do not want to make a mistake to tip things back into war, but you cannot, as you quite rightly say, negotiate under violence or the threat of violence.

Q2542 Ian Paisley: In your book, you say that the Democratic Unionist Party ultimately got a great deal out of this part of it, because they were able to use it as a weapon against David Trimble. With hindsight, do you regret sacrificing David Trimble for that?

Jonathan Powell: I write quite a lot about that in the book. As I say, Tony Blair was very keen not to sacrifice David Trimble. Even after the DUP had won the elections, Tony was still hoping there was some way to get David Trimble back, because he thought the DUP would not make peace. He really tried very hard indeed to do that, but did not succeed in doing it. In the end, however, your party did make peace and made a lasting peace, and that is something you can be very proud of.

Q2543 Ian Paisley: I am very proud of it. Again, in your view, you indicate that the Democratic Unionist Party knew about the on-the-run scheme. From 2006 until February of this year, why did the Democratic Unionist Party never use it in any press release or any statement for their own political advantage throughout all of that period, if they had known about it and if, as you say, they used it to great political advantage against their political enemies in the unionist party?

Jonathan Powell: I cannot speak for the DUP, obviously, but the point was this letter that your colleagues asked us to produce from Number 10, not about the administrative scheme but about the OTR legislation and those other issues. That was the letter that was produced in 2004, which Lady Justice Hallett refers to.

It was asked for by the DUP, I assume, to protect themselves against attacks by the UUP. Actually, I do not even know if they used it or did not use it, but that was the letter that was sought from us and we provided it.

Ian Paisley: Just for the record, it was never about the scheme.

Jonathan Powell: That is what I am saying: it was not about the scheme; it was about the issue of dealing with OTRs in legislation, as Lady Justice Hallett—

Ian Paisley: Because there was some confusion that, initially, you may have implied that it was actually—

Jonathan Powell: You are referring to a passage in my book, which says “OTRs”. People are jumping to conclusions from the OTRs. It was about OTRs and two other issues, which I forget.

Q2544 Ian Paisley: Martin McGuinness said on 27 February this year that unionists did not know about the letters, but they knew something existed. Do you believe he is right?

Jonathan Powell: Again, I cannot really speak about what unionists did or did not know. Lady Justice Hallett sets out in some detail what was made public. She says it was not secret. If one had been paying attention to various answers to Parliamentary Questions and so on, and various newspaper articles, one would have known about it. Certainly by 2009 and the Eames-Bradley report⁹ it was very hard not to know about it.

Q2545 Ian Paisley: This is my final question. I have asked every witness who is in the know this, and you are certainly in the know, Jonathan: has Gerry Adams, Martin McGuinness or any senior elected Sinn Féin representative, whether they are a Member of Parliament, an MLA or a councillor in this jurisdiction or Republic of Ireland, got these letters?

Jonathan Powell: I cannot remember what the Secretary of State said to you and, as I said, I cannot remember the full list, so I could not give you a comprehensive answer, but I

⁹ A link to the “Report of the *Consultative Group on the Past*”, 23 January 2009 can be found here: http://cain.ulst.ac.uk/victims/docs/consultative_group/cgp_230109_report.pdf

have certainly never seen their names on any of these lists. That is not a comprehensive answer, however, because I have not seen all of the lists.

Q2546 Chair: Can I just clarify a point you have made a few times, Mr Powell? You said you were looking for a general scheme to cover people who had committed crimes and were on the run, plus people who received letters, who presumably, we are told, had not committed any crimes. How—

Jonathan Powell: I am sorry—in which case I have been unclear. I was saying we were looking for a scheme that solved the problem of on-the-runs in general, which is the problem of those who were wanted. Obviously, those who are not wanted would not be part of a scheme.

Q2547 Lady Hermon: Jonathan, it is very nice to have you here this morning. Could I just come back to a question that I asked you a little bit earlier? When the Downey judgment was finally published, did you contact any member of Sinn Féin? Have you spoken to anyone within Sinn Féin since Downey?

Jonathan Powell: Since the Downey judgment I have certainly spoken to members of Sinn Féin. I do not think I have discussed Downey with them since the Downey judgment, no. I think that is correct. I cannot 100% remember. I may have had a sort of flippant discussion or whatever; I do not know. Someone may have said something, but I cannot remember—not flippant.

Q2548 Lady Hermon: After the Hallett Report was published on 17 July, did you again contact or have any contact with Sinn Féin for their reaction?

Jonathan Powell: No. As I said, I travelled with Martin McGuinness to Spain, but we did not discuss the Hallett Report, which actually would have been after it, anyway.

Lady Hermon: When did you travel to Spain with Martin McGuinness?

Jonathan Powell: I am trying to remember. It was in late July. I cannot remember the precise date, but I think it might have been before the Hallett Report. Whether it is before or after, I do not remember discussing it.

Lady Hermon: You do not remember discussing it.

Jonathan Powell: No.

Q2549 Lady Hermon: This very controversial scheme on OTRs was something that you had dedicated such an enormous amount of thought and energy to coming up with an arrangement for, and this is an issue that was not discussed between you and Martin McGuinness.

Jonathan Powell: No, not to the best of my memory, but I am afraid you have to remember that I am history. I am not—

Lady Hermon: Absolutely not. You have—

Jonathan Powell: I am not relevant any more, unfortunately.

Lady Hermon: I find you have a very, very, very acute sense of recall and detail. It would be unusual if you could not recall a conversation with Martin McGuinness in the last few months.

Jonathan Powell: I am not saying that. I am saying: why would they want to discuss it with someone who cannot do anything about it? I am not in Government anymore. I would have no problem discussing the scheme with members of Sinn Féin; I would have no issue about that.

Q2550 Lady Hermon: Yes, which is why it is rather a surprise that, in fact, there was no discussion at all about it—your reaction to Downey, your reaction to the Hallett Report, the fact it was all out in the public domain.

Jonathan Powell: We rather focused on Spain, to be honest, and on the Basque country.

Q2551 Lady Hermon: I am really very curious about the fact that, in reply to several of the points that were made by Ian, you repeated what Lady Justice Hallett said in her report, that this was not secret. You referred to Parliamentary Questions and, if care was taken, you would know about this scheme. Jonathan, you signed off the first two letters. Where is the public statement that you had signed off those two letters?

Jonathan Powell: There is no public statement saying that.

Lady Hermon: There is no public statement.

Jonathan Powell: No.

Q2552 Lady Hermon: Was it kept secret that you had signed those first two letters?

Jonathan Powell: No. There is a distinction, as Lady Justice Hallett makes, between not going out of your way to publicise things and keeping things secret. Government is not actually transparent.

Q2553 Lady Hermon: Can I just come back and ask you the question directly? Courtesy of the Downey judgment, we now know there were two letters that you signed, the first two letters that were signed by you—why were you selected, by the way?

Jonathan Powell: It was a matter of speed. The Attorney-General had provided these drafts. We were in the midst of the negotiation. We wanted to have confidence-building measures. We wanted the letters out quickly.

Q2554 Lady Hermon: Could I also suggest to you, because your recall is very good indeed, that these first two letters were for key republicans—key members of the republican movement who were on the run? I am sure you will remember. I am not asking you to name them; I am just asking you to confirm our suspicion and belief that in fact they must have been very important to keep the negotiations ongoing.

Jonathan Powell: No, I cannot remember their names, but I do remember they were people I had never heard of before and were not leaders of the republican movement, no. That is not the case.

Lady Hermon: Not leaders of the republican movement.

Jonathan Powell: As I said, since I cannot remember their names, I cannot remember what their positions were, but they were people who I had not heard of before the list was presented to us.

Q2555 Lady Hermon: Yes, but they were obviously very significant indeed. Let us remember you were the Chief of Staff to Tony Blair, to the Prime Minister. You were his right-hand man. It was not some minor official somewhere else; it was the Chief of Staff in Downing Street who signs off the two letters. That was very significant. Why not put that out into the public domain?

I am really, really curious about the paragraph in Lady Justice Hallett's report where Mr Adams said that it would run counter to Sinn Féin's general approach, which was to demand public statements on how the issue of OTRs was to be resolved. If that is counter to what Mr Adams would wish normally, why do you think he not boast about the two letters signed by the Chief of Staff? Is that not odd?

Jonathan Powell: No, because, as I keep trying to say in this discussion, this was not a scheme to try to solve the problem of OTRs. The scheme to solve the problem of OTRs was what we wrote to party leaders about at the time in Weston Park—the subsequent negotiations we put out separate papers on. That is what they wanted to have in public. This issue of telling people that they were not wanted, as I say, did not start as an administrative scheme; it started as dealing with individuals, but it became an administrative scheme. There is no particular reason why that should be public, but, as Lady Justice Hallett says, it certainly was not a secret.

Q2556 Lady Hermon: Let us distinguish, then, because Lady Justice Hallett carefully distinguishes, as you have very carefully distinguished, between the scheme and the OTR letters. The key and of course the secret factor was the fact that you, to begin with, and then officials within the Northern Ireland Office were sending out secret letters. We knew nothing

about them until the Downey judgment. Could you just confirm, for the benefit of the Committee, that your letters were sent out in secret? I mean the letters. I am not talking about the scheme. The letters were secret.

Jonathan Powell: It would be a very odd word to use. I would have sent out scores of “secret” letters a day, in that sense, in that nearly every letter I was sending in Government would not be made public. It is a rather odd way to look at it, but it certainly was not put on the front page of a newspaper the next day, no.

Q2557 Lady Hermon: No, it certainly was not. In the 14 years of this scheme and 228 letters—228 letters—which of them did Mr Adams or, indeed, Sinn Féin brag about in any public statement? You know the IRA statements; you know Sinn Féin’s statements. You were privy to them at an early point in the negotiations at every stage. I do not mean the scheme; I mean the letters. Where did they boast about any one of those 228 letters?

Jonathan Powell: To the best my knowledge, they did not boast about them anywhere.

Q2558 Lady Hermon: They did not. Does that not lead to the conclusion that the letters were kept secret?

Jonathan Powell: No. If you look at John Reid’s answer to the PQ in 2001 or 2002—

Lady Hermon: It was in 2002¹⁰. He never refers to letters. Peter Hain never refers to letters having been sent out. That was, I have to say, deliberately omitted from the Parliamentary replies. That is not a criticism of the officials, who were doing their masters’ bidding, but the words “administrative letters” or “letters have been sent out” were not disclosed in any Parliamentary replies.

Jonathan Powell: A good deal of Government and a good deal of negotiation happens behind closed doors. That does not mean to say it is secret, otherwise you would not refer to it in a Parliamentary Question, a statement by Peter Hain¹¹ or in the Eames-Bradley report. There is a distinction.

Q2559 Lady Hermon: Yes, coming back to a paragraph in Lady Justice Hallett’s report that said that Mr Adams liked having public statements to let his faithful followers know how the OTRs issue was being dealt with, you would agree that Mr Adams and Sinn Féin’s statements did not disclose and did not brag to their supporters that there were letters being sent out to 228 people.

¹⁰ John Reid’s written answer to Quentin Davies’ Parliamentary Question (1 July 2002) can be found here: <http://www.publications.parliament.uk/pa/cm200102/cmhansrd/vo020701/text/20701w35.htm#20701w35.htmlsbhd2>

¹¹ Peter Hain’s statement to the House of Commons on 11 January 2006 can be found here: http://www.publications.parliament.uk/pa/cm200506/cmhansrd/vo060111/debtext/60111-04.htm#60111-04_head0

Jonathan Powell: As I have said, I do not know of them having publicised the letters or the administrative scheme. I imagine they had a bit of a problem with their followers, having told them that we had promised, as we had publicly, to resolve the issue of OTRs and then we failed to do so over the course of the subsequent eight years.

Lady Hermon: Yes, but the letters were kept secret.

Jonathan Powell: We disagree about the word “secret” and Lady Justice Hallett says it was not a secret scheme.

Q2560 Lady Hermon: You are absolutely right: it was not a secret scheme, but the letters were kept secret. Could I just bring you back to passages in your book and, also, in response again to my colleague Ian Paisley, where you said this was part of a negotiation? Obviously, it was part of a negotiation. Would you describe the OTRs issue as a trade-off for decommissioning? There is certainly a lot of emphasis that there was a trade-off in the relevant chapter of your book.

Jonathan Powell: Yes, certainly what we were trying to do in that phase of 1999 to 2001 was to get Sinn Féin to decommission—to get the IRA to decommission its weapons. That was what we—

Lady Hermon: Freudian slip there, yes.

Jonathan Powell: Sinn Féin and the IRA. We were trying to get them to give up their weapons, and we were therefore talking to them about all sorts of issues, trying to resolve all sorts of issues. Announcing that we were going to deal with the problem of OTRs was certainly part of the negotiation with them to get them to give up their weapons, yes. But not the administrative scheme—trying to promise to resolve the actual overall issue of people who were wanted, rather than people who were not wanted.

Q2561 Lady Hermon: At any stage was there a hesitation or a pause in issuing letters to OTRs in order to bring more pressure on, at that stage, Sinn Féin/IRA to deal with decommissioning?

Jonathan Powell: No, although I strongly suspect Sinn Féin thought there was, because they spent their whole time complaining over the next six years that the issues were being dealt with very slowly. In fact, as we know from Lady Justice Hallett’s report, it was not some Machiavellian British plot to do it slowly; it was simply that the process was very time-consuming and the police were trying to do it to the best of their ability in difficult circumstances. It certainly was slow, but it was not slow as part of a negotiating tactic.

Q2562 Lady Hermon: It was slow, as you have described it, until December 2006. We know from the Downey judgment, because there is an extract from the letter, which you probably saw. Did you see the letter from Downing Street, from Tony Blair to Mr Adams, signed about three days after Christmas Day? After he had eaten his Christmas lunch and

thought about the OTRs, the then Prime Minister, Tony Blair, wrote to Gerry Adams and promised him that he would expedite the administrative scheme to deal with OTRs.

Jonathan Powell: Yes.

Lady Hermon: You were aware of that at the time. You must have been.

Jonathan Powell: Of course I was aware of it at the time; it was part of a very intense negotiation with the DUP and Sinn Féin over devolution of policing. The other matter was to try and put the St Andrews Agreement into place, where Tony Blair spent the entire period of Christmas talking to different people from his holiday trying to get the thing done. That was part of it, yes.

Q2563 Lady Hermon: How was that translated into action in Northern Ireland? Who spoke to whom?

Jonathan Powell: That I am afraid I do not know the answer to.

Q2564 Lady Hermon: The Prime Minister gives a promise to Mr Adams that he is going to expedite the administrative scheme, which has already run, as we now know, for at least seven years since 2000. The Prime Minister, then Tony Blair, probably knew or hoped he would be leaving office in six months at the end of June 2007. We know that Operation Rapid¹² came into being at the beginning of February 2007. In a very short space of about five weeks, between a letter being written after Christmas Day at the end of December 2006 and Operation Rapid about five weeks later, what was the sequence of events?

Jonathan Powell: I do not know. Even reading the Hallett Report I could not reconstruct the events exactly for you, but, clearly, if the Prime Minister writes a letter like that he does not just do it out of the blue. It is something that he has agreed and agreed with the Northern Ireland Office, who will then go about implementing it and making sure what he has promised happens, to the best of their ability. That is what would have happened, but I have no idea which individual was concerned.

Q2565 Lady Hermon: What is interesting to me is, of course, the phrase “operational independence” of the Police Service of Northern Ireland or, indeed, the RUC, because they were involved at the very beginning of this. How is operational independence of the police service maintained when the decision had been made in Downing Street that this scheme was going to be expedited? How is that translated across to the Chief Constable?

Jonathan Powell: What Tony Blair was not asking them to do was to change their mind about individual cases; what he was asking them to do was to go faster; in other words, to

¹² The terms of reference of “Operation Rapid” can be found here:

<http://www.parliament.uk/documents/commons-committees/northern-ireland-affairs/Operation-Rapid-Terms-of-Reference.pdf>

put more resources into it, so these cases can be dealt with, i.e. apply more policemen to it, or whatever it might be. That is not a matter of operational independence. Trying to interfere with the answers would have been.

Q2566 Lady Hermon: Would it have been the case that the Secretary of State at that time for Northern Ireland, who was still Peter Hain, would have spoken to the Chief Constable?

Jonathan Powell: No, it would have been a much more bureaucratic process than that. The original draft letter that will have gone to Adams will have been produced, probably, by the Northern Ireland Office. This had all been a continuous process, where the Northern Ireland Office had already been working with the PSNI on these letters. It would have been a part of that. How exactly the mechanics of that worked—

Lady Hermon: Sorry, just say that again. The Northern Ireland Office would have been working with the PSNI on these letters.

Jonathan Powell: The Northern Ireland Office were sending the letters, signing the letters that were sent to the individuals or to Sinn Féin, and they were passing the names to PSNI, so they were obviously working with them on the scheme.

Q2567 Lady Hermon: Yes, the names were coming through to the PSNI, but you will know from the Hallett Report that the only evidence that the PSNI knew that letters were being sent out from the Northern Ireland Office appears at the end of December 2011. So the PSNI were not responsible for the letters that were being sent out by Northern Ireland Office.

I have to say I share Kate Hoey's concern that you seemed to indicate that the police were at fault here. Of course, they were not, because it was a Northern Ireland Office official who changed the letter that went out to Mr Downey in 2007¹³.

Jonathan Powell: I want to be very clear—I think I was extremely clear—that I am not blaming the PSNI for this.

Q2568 Lady Hermon: Who would you blame, then, for the mistake that was made in the letter that went out to Mr Downey? Who do you blame?

Jonathan Powell: That is the point: maybe different from you, I am not trying to blame anyone for this. Mistakes happen; it is clear that a mistake happened. Lady Justice Hallett describes how the mistake happened, but blaming the police for that, when they were operating to the best of their ability, is the wrong thing to do.

¹³ A link to the letter from the Northern Ireland office to Mr John Downey in July 2007 is provided here: <http://www.parliament.uk/documents/commons-committees/northern-ireland-affairs/Cover-letter-from-NIO-to-Gerry-Kelly-and-John-Downey-OTR-Letter-July-2007.pdf>

Q2569 Lady Hermon: It clearly was, because of course the police did not know letters were going out until after December 2011, and the letter went out to Mr Downey in 2007. Clearly, it was not a mistake by the police officer involved.

Jonathan Powell: I really do not have anything to go on other than the report that I have read on this, so I would be misleading you if you thought I was giving you an answer based on my own experience, because I do not know how it worked. However, my understanding from the report is that it was a mistake made by the police—by error, not on purpose—in terms of whether Mr Downey was wanted or not. Beyond that, I really do not know, apart from what is written in Lady Justice Hallett’s report.

Q2570 Lady Hermon: Coming back to 2007, Tony Blair’s wishes were expedited at an official level, through officials.

Jonathan Powell: Yes.

Lady Hermon: That is how this gets done.

Jonathan Powell: Yes, correctly. That is how Government works correctly. The Prime Minister will agree something with his Ministers. He will make a decision that is then implemented by civil servants and the Ministers in the Departments, yes.

Lady Hermon: Thank you so much. I am going to come back to Mr Bertie Ahern, but I will give you a copy of his letter at that stage. However, I am sure other colleagues would like to ask some questions.

Q2571 Chair: You will have picked up from our previous sessions there was a letter written from the then Attorney-General to Mr Hain, warning him that Mr Downey was wanted¹⁴. The blame, wherever the blame lies, is probably not in one particular area anyway. You will be aware of that.

Jonathan Powell: I had not picked that up, no.

Chair: Yes, that was the case.

Q2572 Naomi Long: You are very welcome to the Committee, Jonathan. Could I just ask a question? I just wanted to pick up on something you said during the questioning from Ian earlier. You basically said that you would not apologise for what the Government did at the time because you believe it was the right thing to do in terms of moving the peace process forward. However, the Hallett Report did indicate specifically that the scheme lacked design and, for that reason, errors occurred.

¹⁴ The letter from the Rt Hon Lord Goldsmith QC, Attorney General to the Rt Hon Peter Hain MP, Secretary of State for Northern Ireland dated [2?] February 2006 can be found here: <http://www.parliament.uk/documents/commons-committees/northern-ireland-affairs/Letter-from-Lord-Goldsmith-to-Peter-Hain-February-2006.pdf>

Unlike you—you have said that you would not put the blame on the police or others—the Hallett Report actually indicated that it was the lack of design, if you like, within the scheme itself that led to errors being able to go unchecked. Are you sorry for that? Are you sorry that in terms of the scheme—you were in it at the beginning; you were signing letters at the start—there was not more oversight put in and that that was not something you prioritised in terms of your involvement with the scheme at that point in time?

Jonathan Powell: I am certainly sorry a mistake was made. Lady Justice Hallett—

Naomi Long: That is not what I have asked. I asked whether you were sorry that the scheme was not better designed in the first place, which is what the Hallett Report has said: that the scheme was not well designed. Are you sorry for that?

Jonathan Powell: No. Lady Justice Hallett explains what happened was an evolution. We did not start with a scheme; we were not intending to have a scheme. It was dealing with individual names and then a scheme grew up. If, in retrospect, I had realised that this was going to become—what is the right word for it?—not a very well organised scheme, obviously I would have given my attention to that instead of other issues, but my intention was actually spent on the negotiations, not on how to implement the scheme.

Q2573 Naomi Long: You have no sense of regret whatsoever with respect to the scheme, which, as you say, started out as an ad-hoc arrangement for a small number of cases but clearly escalated quite dramatically as the numbers of people seeking the letters increased. There was no sense that that scheme needed to be more robust in terms of how it was organised and so on. You have no regret about that at all, given that the consequence of it was, effectively, that John Downey walked free without being tried for a very serious crime.

Jonathan Powell: There is a difference between wishing that something had been different and apologising for it. I do not think that me getting involved in designing the scheme would have been a sensible use of my time or skills. I would not be the sort of person who could draw up an effective scheme to do this kind of thing. That is something that people with some sort of legal experience and some sort of experience in how these sorts of schemes should work, would best be able to draw up.

Do I wish that the scheme had been drawn up in a better, more legally robust way, as Lady Justice Hallett suggested? Yes, of course I do. However, you are then bending the word “apologise” if you then apologise for something that, looking back in retrospect, you could have done differently but, even if I had been involved, would not have been different.

Q2574 Naomi Long: You paint the scheme as though it were something that was ad hoc, essentially, at the beginning, yet I asked questions of one of the previous witnesses about briefings and discussions that were had, for example, with the Northern Ireland Human Rights Commission, discussing the possibility of dealing with these issues through the use of Freedom of Information requests. It was not a scheme that simply arrived from nowhere. There was some thought given into the process by which people would be notified and by which people would make application for reassurances and so on and so forth. It

would not be true to say that these were simply individual letters that were requested at individual points in time. It was very clear that these were key to the process. Their importance was very clear. I assume their sensitivity was also very clear in terms of victims of the Troubles. Perhaps you can confirm that.

Jonathan Powell: You mean the sensitivity about the letters.

Naomi Long: Yes, and the sensitivity about the communication that would be ongoing between those who were potential suspects and the Government of the day. Was it recognised that was sensitive?

Jonathan Powell: If they were suspects, they would be wanted.

Naomi Long: Potential suspects.

Jonathan Powell: Everyone is a potential suspect. Either you are a suspect or you are not a suspect. If they were a suspect, they should not have been allowed back in. If they were not a suspect, you could not start going to people and saying, “We think this guy might have had something to do with the crime that happened to you.” That would be a bonkers thing to try to do.

Naomi Long: To be very clear, no one has suggested—and I did not suggest in my question—that that ought to have happened.

Jonathan Powell: What are you suggesting, then?

Naomi Long: What I asked very specifically was: were you aware of the sensitivities of the scheme that was being implemented? When you signed the letters, were you aware of the sensitivity of what you were doing and, therefore, were you aware that there was a need for particular oversight and attention to detail with respect to those letters?

Jonathan Powell: The letters I signed were not part of a scheme. It was, as Lady Justice Hallett describes, the beginning, where we thought we were dealing with individual names. The scheme was then constructed to produce letters over the course of the next 10 years or whatever it was. I was not privy to how the scheme was drawn up; I was not part of the architecture nor would I be a particularly appropriate person to be involved in it. Was I aware of the sensitivity of letters? I was aware of the sensitivity of the letters in that they were about individuals, but I had no idea what crimes they were not wanted for, so, no, I did not have a thought from point of view.

Q2575 Naomi Long: In terms of your earlier statements, you talked about the need for the peace process to be, if you like, comprehensive. The phrase you used—I hope I am not misquoting you—was that people could not choose one thing and not the other. That was the phrase that you used.

Jonathan Powell: I said “à la carte”.

Naomi Long: Yes, you referred to it as being à la carte. You said people could not choose one thing and not the other; it was part of a package. Surely the point of the Good Friday Agreement—and, indeed, even the St Andrews Agreement—was that it was indeed part of a

package that was visible, that the public were informed about, that they could read and understand and that they could make a judgment on. For example, with the early-release scheme of prisoners—you alluded to that as being similar in terms of its importance and so on—people were able to make a conscious decision whether or not that was a price that they were willing to pay in order to move to the next phase of the peace process.

They were denied that opportunity in the case of the on-the-runs, in that this process was ongoing in the background without anyone having consented or, indeed, without anyone having known what the entire package looked like, because it was part of a series of side deals that were not immediately exposed to all of those who were involved as parties either in the discussions or, indeed, the wider public. Do you not think that that does set this apart, and that any illusion that it was in some way similar to the Good Friday Agreement and the arrangements made under that is really quite false?

Jonathan Powell: No, I do not. As Lady Justice Hallett describes, the negotiations to try to get the Good Friday Agreement actually implemented, which took a further nine years, were every bit as difficult, if not more difficult, than the negotiations on the Good Friday Agreement itself. They required difficult steps on both sides, which were conducted in private, because if you negotiate in public you will not succeed in getting to a deal, because people will not make compromises.

In the case of OTRs, we made public very early on that we were trying to resolve the problem of OTRs. We were trying to allow people who had committed crimes to come back to the UK—not people who had not committed crimes. It is perfectly public. Your own party leader received a letter on this subject very early on.

Naomi Long: It was the other way around. Just for accuracy, you said those the other way around. You said, by accident, that people who were wanted for crimes could return and people who were not wanted for—

Jonathan Powell: No, I said what we were seeking to do was come up with an answer. We wrote to your party leader; we wrote to other party leaders; we produced a document on it to come up with a scheme on OTRs that would allow them to come back to the UK, even though they had committed crimes. This was perfectly public from 2000 onwards, so I really do not agree with you at all about the allegations you make.

Q2576 Naomi Long: First of all, Chair, just to clarify, I was trying to be helpful to the witness, not to in any way try to interrupt his flow, because I thought he had inadvertently switched the two around by accident.

The second thing is that it is true that all of the party leaders were canvassed on their views and, indeed, we submitted papers and suggested schemes that could, we believed, operate within the law in terms of trying to resolve the issue, so we were aware of those negotiations. It is not the case, however, that we were aware of the scheme that ended up being developed and rolled out, which is the one we are discussing and enquiring into now. That is a simple fact.

Let us remember that in 2005 Parliament was essentially told that the scheme could not be implemented through legislation, which was the first attempt, if you like, to put a formal

scheme into the public domain. For the majority of people observing this, they would have assumed that that meant the issue then was not being resolved in terms of people being able to return to Northern Ireland. I know my own presumption—I have stated it before—was that this would be resolved through the HET, that simply, as they worked chronologically through that period and people were either not served with an extradition warrant or other means, they assumed, then, that their case had been cleared and resolved.

The point that I wish to pursue, simply, is this: do you not think that this was not part of a clear, defined package in the same way that the St Andrews Agreement and the Good Friday Agreement were? Did that not risk that people would not be comfortable with the decisions that were being made but were not being given the opportunity to express that discomfort at the time?

Jonathan Powell: The fact that you think I made a slip of the tongue shows I really have not got my point across at all, so I will try again.

Naomi Long: No, I am aware now of the point you made. I am clear.

Jonathan Powell: The point is that we were trying to come up with a scheme that would solve the problem of those people who were wanted. It would be analogous with the scheme we came up with for prisoners. We made that public from very early on. It was constantly debated. We came up with many different schemes to try to solve it, but none of them worked. In the end, we failed to deliver on the promise that we made to resolve that problem. That was the part of the negotiation. The administrative scheme was dealing with people who were not wanted, so it was not part of the negotiation from that point of view, in the way the scheme to solve the problem of the OTRs was. It was a way of saying to people who were not wanted that they could come back.

Q2577 Naomi Long: Yes, I do understand the distinction. As I said, I had made an error in my original question. Can I ask one other thing? There was a concern throughout the process—and it was raised by my own party as well as by others—that side deals could risk destabilising the process at a later stage. As things emerged that were not entirely clear to all parties, which were not made known to everyone and were not part of a clear package, either in the public domain or indeed within the negotiations that were taking place, it could sour relationships and damage trust between parties. Are you at all concerned that the result of this OTR situation, as it has emerged through the John Downey case, has soured those relationships between Government and the Northern Ireland parties and, indeed, amongst the Northern Ireland parties, in a way that will make it more difficult to proceed with the next stages of the political peace process?

Jonathan Powell: Yes and no. I think you make a very fair point, as indeed SDLP has often made, about the danger of side deals. For example, the letter that we gave to David Trimble in the context of the Good Friday Agreement turned out, in the end, to have probably been a mistake but, if we had not done it, would we have got to an agreement? It is difficult, but that is a fair point to make in general.

In the case of this, no, I do not. The reason this has caused a stir is really the way that Lady Justice Hallett said: it has been misreported and misrepresented, rather than the

actual issue of the administrative scheme itself. If you think about the administrative scheme, it is allowing people to return who are not wanted and that should not be something that would disturb relations between parties and governments. Your general point on side deals is right and, again, applies very generally. Specifically on this, no; I do not think it should have been something that caused it. The reason it happened was the way that it was broached.

Q2578 Naomi Long: As Oliver has already indicated in his questions, it not only gave assurances to those who were not wanted that they could return, but the corollary of that was that it also assured those who were wanted that they were indeed wanted. It was essentially implicit advice not to return.

Jonathan Powell: Yes, but of course the fact that they were not returning before asking suggests they were not about to return anyway.

Q2579 Naomi Long: I think that is conjecture. Can I ask one other final question? In the evidence that we took from the victims of the Troubles¹⁵, they drew a very clear distinction between their view of the early-release scheme, which many of them opposed—and they were very clear in saying that they opposed it—and this scheme. They felt that, with the early-release scheme, they had the opportunity to decide whether this was indeed a price worth paying, from their perspective. Some were in favour and some were not. Some agreed that it was and some thought that it was not. I was one of those who voted for the Good Friday Agreement; I believed that it was.

For those who were victims, the issue here is not necessarily the one of the scheme, but the feeling of betrayal by their Government, in terms of being kept in the dark about what was going on with matters that pertained potentially to the cases affecting them and their loved ones. That sense of betrayal was quite strong and quite tangible when we spoke with victims. I understand that you are not apologising for what you did, but do you regret the pain that has been caused and do you regret the fact that those victims feel betrayed by their Government, and that that trust has been damaged and, indeed, their confidence and optimism in the peace process has been damaged by this whole episode?

¹⁵ The transcript of oral evidence given to the Northern Ireland Affairs Committee on 9 June 2014 by Families Acting for Innocent Relatives, Commission for Victims and Survivors, and the Victims and Survivors Forum, can be found here:

<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/northern-ireland-affairs-committee/administrative-scheme-for-ontheruns/oral/10383.html>

The transcript of oral evidence given to the Northern Ireland Affairs Committee on 18 June 2014 by Christopher Daly, representing the Hyde Park families, can be found here:

<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/northern-ireland-affairs-committee/administrative-scheme-for-ontheruns/oral/10658.html>

The transcript of oral evidence given to the Northern Ireland Affairs Committee on 9 July 2014 by the Omagh Support and Self Help Group and Justice4the21 can be found here:

<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/northern-ireland-affairs-committee/administrative-scheme-for-ontheruns/oral/11308.html>

Jonathan Powell: As I said at the beginning, I certainly regret any pain that has been caused to victims. In my view, it has largely been caused by people who have, as Lady Justice Hallett says, misrepresented what happened. If we had actually passed legislation on on-the-runs then there would have been a very difficult discussion to have with victims, because victims then would have known that people who had committed heinous crimes were not going to be brought to trial for those crimes. In those circumstances, it would be necessary absolutely to have a very full and frank discussion with victims about the consequences of that. In the end, we never were able to legislate, so we are dealing here with people who were not wanted, so they are not the ones who caused the crimes to their loved ones. It is other people who committed those crimes. In that case, if this had come out in the fullness of time, it would not have caused the kind of pain in the way that it was dealt with politically.

Q2580 Ian Paisley: It was not about the problem of difficult legislation but, indeed, in the evidence bundle that you have, on page 134, when you put to them the notion of legislating in this, Gerry Kelly's response to you was, and I am quoting him, "f off".

Jonathan Powell: Sorry, I do not have the bundle of evidence.

Ian Paisley: It should have been supplied and we can certainly supply you with it but, basically in your notes, on 20 July 2000¹⁶, you had a private meeting with Gerry Adams and Gerry Kelly, and you put this suggestion to them about a scheme and about putting in place legislation. Their response was "f off".

Jonathan Powell: What year was that, sorry? Do you know what year it was? 2000. Yes, this is very early on when they said they did not want legislation. They wanted just a general—I think; I cannot remember.

Ian Paisley: But they held to that position; they did not want legislation.

Jonathan Powell: They held to it for a long time but, when they were told that legislation was the only option, they then went along with it. When the legislation was introduced and the House of Commons amended it to include soldiers and members of the security forces, that is when they then objected to it.

Q2581 Ian Paisley: They objected to it from 2000, so there was a glimmer of hope and it says there was some glimmer from Gerry Adams.

Jonathan Powell: We would not have introduced the legislation if we had not thought it would succeed.

Ian Paisley: On page 1 of that, if you turn over the page, at the bottom line, Gerry Adams has asked about it and you indicate there was a glimmer that he may have gone for this, and then Gerry Kelly immediately interjected and told you to—

¹⁶ A report of Jonathan Powell's meeting with Gerry Adams, Gerry Kelly and Rita O'Hare in July 2000 can be found here: <http://www.parliament.uk/documents/commons-committees/northern-ireland-affairs/Jonathan-Powell's-report%20on-meeting-with-Gerry-Adams-Gerry-Kelly-and-Rita-O'Hare-July-2000.pdf>

Jonathan Powell: They had colourful language.

Q2582 Chair: Just before we move on, Mr Powell, you have said that the letters went to people who were not wanted, but you will be familiar with Drew Harris's comment a few weeks ago, when he said that now it appeared that 95 of those who received letters were connected through intelligence—no more than that at this stage—with almost 300 murders¹⁷. Now that troubles us deeply, because writing letters to innocent people—you are quite right; what is there to get excited about? However, if that is true, or even if some of those are connected with murders, then that really does shame the scheme, does it not?

Jonathan Powell: I am hoping that, if there was evidence that people had committed such crimes, they would not have received such letters as mistakenly happened in the case of Mr Downey. We cannot go around suspecting people. The way our justice system works is you are innocent until proven guilty, and we cannot go around saying, "Well, there is some intelligence this guy did that or did the other", and try to paint them as guilty on that basis. That is not the way our system works.

Q2583 Chair: No, but you would be uncomfortable in writing a letter. You personally, when you wrote your letters, would have been uncomfortable writing them if there was intelligence against those people, surely.

Jonathan Powell: It would depend an awful lot on what that intelligence was. I am afraid to say that sometimes intelligence cannot be entirely accurate on everything. I would be very uncomfortable writing a letter to someone who was wanted for a crime and who the police thought should be charged for that crime. That would be quite wrong.

Q2584 Chair: Do you not find Drew Harris's comments rather worrying then?

Jonathan Powell: I am afraid I do not even know who Drew Harris is. Who is Drew Harris?

Chair: Assistant Chief Constable.

Jonathan Powell: I do not know him.

Q2585 Chair: It must be a worry. Certainly it is a worry to us. I would suggest that neither Lady Justice Hallett, nor indeed this inquiry, can be fully completed until the police have looked into each and every one of those cases.

¹⁷ The transcript of the oral evidence from Matt Baggott CBE QPM and Drew Harris OBE to the Northern Ireland Affairs Committee on 7 May 2014 (HC 1194) can be found here:

<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/northern-ireland-affairs-committee/administrative-scheme-for-ontheruns/oral/9418.html>

Jonathan Powell: You are asking if I think that. I am glad to say I am not in Government now and I do not have to make those kinds of decisions.

Q2586 Lady Hermon: Can I follow on from the point that you have just made? It is the same theme as the Drew Harris comments. You have repeated on several occasions, in response to both Naomi and to the Chairman, that these letters have gone out to people who were not wanted. They were not wanted. If they were not wanted, why on earth would the PSNI have opened a new review of every single recipient of these letters? It is going to take years. We know from Lady Justice Hallett's report it is going to take years. We know from the PSNI it is going to take at least two to three years. Every single case is being looked at again, because it may well be that these people are wanted. That is the problem. I am staggered that such an experienced diplomat is sitting telling us that they went out to people who were not wanted. They were clearly not wanted. They were not wanted.

Jonathan Powell: That was the basis of the scheme that we were seeking, which was to get letters to people who were not wanted. We did not want to send letters to people who were wanted, and that is where it went wrong in the case of Mr Downey.

Q2587 Lady Hermon: You have also said that it is irresponsible for people to stir up this hue and cry, and criticism of this particular scheme, and you were surprised by that. It should actually be the opposite: we should be commending the PSNI for having set up a review of every single one of these particular cases, because the cases and the letters were only based on information that was available, limited information at that time, in addition to the intelligence that was there.

Jonathan Powell: I am certainly not criticising the police for setting up an inquiry. I am ashamed to admit I did not know they had set up an inquiry.

Lady Hermon: They have 19 experienced detectives reviewing every single case.

Jonathan Powell: That is going to be a lot of police work.

Q2588 Kate Hoey: Thank you, Jonathan, for coming to see us. I wondered if you have any influence still on the former Prime Minister, because he has been very reluctant to come and see us.

Jonathan Powell: No, I would say I have very little influence on the former Prime Minister.

Q2589 Kate Hoey: So you will not be able to go back and tell him that, actually, we are quite nice people and he would be very welcome to come along.

Jonathan Powell: I will tell you the answer to that at the end of the meeting.

Q2590 Kate Hoey: Can I just get you to confirm then that really the reason, of course, as we all know, but just so you are saying it, the OTR scheme did not go through legislation was not because many of us here in this House and many of the political parties were against it, but, very simply, you withdrew it when Sinn Féin/IRA said they did not want it.

Jonathan Powell: I am simplifying, but basically the Bill was withdrawn because Sinn Féin said they would not allow anyone—"not allow" are the wrong words—it would not meet their needs. The point of this was a negotiation to get them to decommission in return for dealing with the issue of OTRs, not the administrative scheme, but the issue of dealing with OTRs. When they said it did not satisfy their problems and people in the House of Commons were opposed, there was no point in taking the political pain of trying to force the legislation through. It solved no problems.

Q2591 Kate Hoey: They did not want it because there was a suggestion that armed forces would be involved.

Jonathan Powell: My memory may be wrong on this, but I remember it being amended to include armed forces and security members, as I recall it, but I could possibly be wrong on that.

Q2592 Kate Hoey: They basically said that they were not going to surrender to British authorities.

Jonathan Powell: That was 2000. This is much later when we brought the legislation in.

Q2593 Kate Hoey: I remember the debates here in Parliament, outside the Chamber, about whether we should have legislation, and then it was dropped. I do not think people really understood why it was dropped.

Jonathan Powell: I cannot for the life of me remember what sorts of statements were made at the time about it. I think I covered it in my report.

Chair: Perhaps if I could just help there—I was a shadow Minister at the time, dealing with the legislation from the Conservative point of view, and it was certainly going through Committee. There was nothing the Conservative Party could have done to stop it. The then Minister, David Hanson, phoned me one day and asked to see me. He said, "We're pulling the legislation," and it was basically because Sinn Féin had withdrawn their support. It was my understanding that it was because security services people would be involved in it. That is my recollection of it.

Jonathan Powell: Thank you

Q2594 Kate Hoey: So Sinn Féin got their way again.

Jonathan Powell: They got their way because this was something we were supposed to be doing to help them, but yes.

Q2595 Kate Hoey: Can I just ask you: have you had any involvement or do you know anything about, because very few people seem to know anything about, all the various royal prerogatives of mercy that have been given at various stages during your watch?

Jonathan Powell: Before I read Lady Justice Hallett's report, I would have had some trouble recalling it at all. Having read the report, I think her understanding is correct: they were used for people who should have been covered by the early-release scheme but, for some reason, were not, if I understand it correctly.

Q2596 Kate Hoey: In your knowledge, no name ever came up in front of you that this was going to be reported that they were going to be given a pardon.

Jonathan Powell: Not to the best of my memory, with the exception of the cases that she talks about, which were for people who should have had early release and did not, for some anomaly.

Q2597 Kate Hoey: You definitely do not think that anyone within the senior ranks of the current Sinn Féin will have been given pardons.

Jonathan Powell: Not to the best of my memory, no.

Q2598 Kate Hoey: You would remember if Gerry Kelly had been given a pardon.

Jonathan Powell: I would have thought I would remember but, knowing that it is 15 years ago, I want to put that caveat in because I have not looked back at the papers, but I have no memory of that at all.

Q2599 Kate Hoey: It was interesting in all the evidence, when there were meetings where the British Government officials were meeting, the Irish Government officials were meeting and Sinn Féin was meeting. Now, the Irish Government on the whole were usually standing up for the nationalist side of the community. Did you never feel a slight feeling that you, as the British Government, should actually be supporting the union, as we are now very, very strongly fighting the Scottish union? What is the difference?

Jonathan Powell: I think Tony Blair writes about it in his book, and I certainly write about it in mine: I think that was a real misapprehension on the Irish side. They said to us, "Well, we'll deliver Sinn Féin and you deliver the unionists." That is not at all how we saw the negotiations working. We thought we were supposed to be a neutral facilitator

between the unionists and republicans. We secured an agreement that kept the union going, but we did it as a neutral party. The Irish had this notion that they were on one side and we were on the other. We did not see ourselves in that position.

Q2600 Kate Hoey: Exactly, but who then was meant to be speaking up at the higher echelons of the political level in Westminster for the pro-union community? The Irish Government were sticking up for the nationalist community.

Jonathan Powell: The unionist leaders were speaking up very strongly for the unionist community and we were meeting with them almost constantly during that period, so we were very well aware of what their views were and we did our very best to get to an agreement between them and the republicans. I would add that the Irish Government were not able to deliver Sinn Féin any more than we would have been able to deliver the unionists. It was, effectively in the end, both Governments acting as neutral parties between the two.

Q2601 Kate Hoey: You do agree that they would be seen as that the British Government was not actually supporting British citizens in Northern Ireland.

Jonathan Powell: We certainly supported British citizens in Northern Ireland, but British citizens of all stripes. What we did not want to be was on one side or the other. That would have been a mistake.

Q2602 Kate Hoey: But it was okay for the Irish Government to be.

Jonathan Powell: The Irish Government really changed their position over the course of those 10 years and became, certainly in the period after Good Friday, a neutral facilitator like us, effectively.

Q2603 Kate Hoey: I am sorry to go back to the very beginning here, but you did seem rather mysterious about your relationships with Gerry Adams, Martin McGuinness and Gerry Kelly. Are you a friend of Gerry Kelly?

Jonathan Powell: I find it difficult to use this word, “friend”.

Q2604 Kate Hoey: Were any of them invited to your wedding, for example? That is the kind of thing about friends, is it not?

Jonathan Powell: I invited David Trimble, Gerry Adams and Martin McGuinness to my wedding, which happened after I left Government, and none of them came.

Kate Hoey: You did not have any of them as friends.

Jonathan Powell: I have a few other friends luckily.

Q2605 Kate Hoey: There is a serious issue. I am not quite sure what you are involved with, but you said you have been to Spain with Martin McGuinness recently. Is this a business deal you are involved with or a peace deal?

Jonathan Powell: No. Unfortunately, I am not in business at all. I run a small charity called Inter Mediate, which works on armed conflict between governments and terrorist groups. We work in basically all continents—Asia, the Middle East, Africa and Latin America. Unfortunately the places we work are confidential, for obvious reasons. The Spanish one is not, for separate reasons.

Q2606 Kate Hoey: Presumably Martin McGuinness is not paid for any of that.

Jonathan Powell: No.

Q2607 Kate Hoey: It just strikes me, looking at and reading your book, and going through all the bits where we talk about this—why did you write a book? Has it made lots of money?

Jonathan Powell: Sadly no. My books are not bestsellers. Vanity, I think, would probably be the best explanation.

Q2608 Kate Hoey: You talk rather disparagingly about people—people that at the time thought they were doing the best. You are quite disparaging about quite a lot of Northern Ireland politicians at certain times.

Jonathan Powell: I do not think that is fair. Actually, I say very clearly at the end of the book there is no way you would have had a peace agreement if there had not been people really willing to put themselves on the line. David Trimble in particular sacrificed his political party, his career, to get to peace, and I think that was a remarkable thing to do. Dr Ian Paisley again was someone who started off as Dr No and finished up as Dr Yes, in a really rather remarkable way. The same could be said of Adams and McGuinness, not to mention John Hume, who really started the whole thing off. I think all of the Northern Irish politicians deserve a huge amount of credit—in fact, the credit for it, rather than anyone else.

Q2609 Kate Hoey: Do you accept, in looking back now, that we would not be where we are now, in terms of the issue over this and what happened to Downey, if there had not been that obsession with secrecy? Whatever Lady Justice Hallett says, it is a very good whitewashing—secrecy, anyway. Clearly it was not public.

Jonathan Powell: I think this is a very good general point that I spent a lot of time talking to Mo Mowlam about, for example, early on in the negotiations. In my experience—and it is quite a long time that I have been working on such negotiations—it is very hard to get people to make compromises and row back from their positions if you make them do it in public. If you make them sit at a back table like this and say, “Yes, okay, well, I’ll concede on that,” without knowing what they are going to get, then it is very, very hard to make that deal come off, so you do have to spend your time talking to people privately. I had to spend my time going over to Northern Ireland, going and meeting Adams and McGuinness in safe houses, meeting David Trimble quietly, sometimes in his house, to try to find out what positions were and see if I could find some common ground. I do think that is necessary if you are going to succeed at negotiations. While we are all committed to transparency, conducting that kind of negotiation fully in the open simply will not work, in my experience.

Q2610 Naomi Long: Surely conducting the negotiations in the open and being open about the final outcome are two very different things.

Jonathan Powell: Yes, I would accept that absolutely.

Q2611 Naomi Long: In this case, even the final outcome was not in the open, which is the objectionable point.

Jonathan Powell: This is where we disagree. I say that what was in the open was what we were trying to do, which was something much bigger, which was to try to solve the problem of on-the-runs, by getting them back into this country without facing prosecution. We failed to do that, so we did not deliver on our part of the deal.

Q2612 Kate Hoey: I was a bit surprised by what you said about the victims, because we have met a lot of victims and their evidence has been incredibly moving and pertinent to what we have been talking about. It might be useful for you to read some of those.

Jonathan Powell: I would be happy to.

Q2613 Kate Hoey: You are implying really that this is all a bit of a storm in a teacup. Basically if politicians in Northern Ireland or even politicians here had not spoken out when they heard about the Downey case and said things, the victims would have all been sitting back at home feeling not upset; it is our fault really.

Jonathan Powell: No, I am not blaming you. I do think there is a danger if an issue like this is played with for political ends. I think that the peace process is still quite fragile. It can be destroyed if people try hard enough to do so. I hope it will not be. The victims of the Hyde Park bombing have every reason to feel very aggrieved because the trial failed. I do not think that that then applies to the whole administrative scheme, because the administrative scheme, as I say, was to allow people to come back who were not wanted.

In the case of Downey, he was wanted. Logically speaking, this should not really impinge on other victims, because this is not supposed to be about giving pardons or get-out-of-jail-free cards, as Lady Justice Hallett says, for people who committed those crimes. That was not what the scheme was supposed to be and was not, with the exception of that case and, as Lady Justice Hallett says, perhaps two others.

Q2614 Kate Hoey: I presume you went to see Lady Justice Hallett.

Jonathan Powell: I did.

Kate Hoey: How long did you have with her?

Jonathan Powell: I am afraid I cannot remember. Probably two hours, but I cannot recollect exactly.

Q2615 Kate Hoey: Practically every other word is “as Lady Justice Hallett said”. You were very impressed by her report.

Jonathan Powell: That is because I have just read it, but I think it is an extremely good piece of work. I really am impressed that someone could get the facts straight in a relatively short period of time. My experience in Government, trying to get facts in the right order, in the right sort of way, and not miss anything out is extremely difficult to do.

Q2616 Kate Hoey: Do you think it is surprising that she has not actually put in there the fact that, just over 12 months before Downey was sent his letter signed by an official in the Northern Ireland Office, a letter had gone from our Attorney-General to Peter Hain, basically giving a list of people, and under Downey’s name was, “Mr Downey is still wanted for serious terrorist offences,” copied into everyone, to the Secretary of State, and yet, just over a year later, that same official signs a letter, which goes out more or less at the same time as the Secretary of State Peter Hain is being removed from his post or is moving from his post. He got it out before he was no longer responsible. Do you not think that is a little bit suspicious?

Jonathan Powell: That is not in the Hallett report, you say.

Kate Hoey: No, it is not in the Hallett report.

Jonathan Powell: I do not think I knew about that until it was mentioned earlier in this session. I do not think I was aware of that.

Q2617 Kate Hoey: Do you not think that is strange of the Northern Ireland Office? Mark Sweeney, who is listed on the whole list of people, then signs a letter, not that long later, saying, “You are not wanted,” when it was very clear there was evidence around.

Jonathan Powell: I cannot really comment on something I do not know about, but I would say my experience in Government is it is nearly always a cock-up rather than a conspiracy.

Chair: This is a pretty serious one.

Kate Hoey: That does not appear in Lady Justice Hallett's report at all, so she missed a very, very important part, in my view anyway.

Jonathan Powell: She may have reasons that I am not aware of for not including it. I do not really think I can comment on something I do not know about.

Q2618 Kate Hoey: Gerry Kelly—is he a mate?

Jonathan Powell: No. I have done some travels with Gerry Kelly recently, in terms of trying to help bring about peace in places like the Philippines. No, I do not think it would be right to describe him as a mate, no.

Q2619 Kate Hoey: Would you have any influence on him? Do you think he is rather silly or pathetic in refusing to come in front of this Committee?

Jonathan Powell: Honestly, that is really a choice for anyone who makes it, whether they come to this Committee or not. I have come.

Q2620 Kate Hoey: You are a former senior person in the British Government and you are not prepared, at our Committee, to even say, "Yes, I think Gerry Kelly should come along."

Jonathan Powell: In my experience, it is not either wise or actually very responsible to go around casting aspersions on people. I have come before your Committee because I thought it was the right thing to do. What other people decide to do is up to them.

Q2621 Ian Paisley: Lord Goldsmith, when he gave evidence to us¹⁸, conceded that he believed it was more of a conspiracy than a cock-up.

Jonathan Powell: That what was a conspiracy—the Peter Hain letter?

Ian Paisley: Yes.

Jonathan Powell: Okay.

Ian Paisley: You have lost your tongue.

Jonathan Powell: No. That is very interesting.

Chair: You do not wish to comment.

¹⁸ The transcript of Lord Goldsmith's oral evidence to the Northern Ireland Affairs Committee on 2 July 2014 can be found here:

<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/northern-ireland-affairs-committee/administrative-scheme-for-ontheruns/oral/11189.html>

Q2622 Nigel Mills: Can we just start at the top again, Mr Powell? Can you just explain to me, in your words, why the OTRs were an anomaly? The Government was committed to there being justice, and that those who there was a case against should have had that case made. Okay, they only served two years, but at least there would be a conviction and some kind of punishment. Why are the OTRs an anomaly compared to that?

Jonathan Powell: This is, interestingly, again something that arises in nearly every conflict around the world, from the Philippines, as I have just mentioned, to Colombia. Once you have dealt with the prisoners, you are then left with a group of people who, had they been in jail, find themselves released after a very short period of time. It is an anomalous situation that they are not dealt with; they are left outside the country for the definite future, so you need to try to find some sort of solution for it, in our view. We said very early on and publicly that it was an anomaly and that we wanted to try to find a solution to it, and failed to do so.

Q2623 Nigel Mills: The solution presumably is to come back; you will only serve two years. Just confess all and you can live in peace.

Jonathan Powell: The reaction we got when we discussed that issue was not an entirely enthusiastic one from Sinn Féin, which is why we tried looking at combining it with the early-release scheme or an analogous system to the early-release scheme. We looked at the David Trimble proposal. We started off looking at amnesties, which were impossible. We tried a very large number of alternatives, and the only one that Gareth had pointed out very early on was going to be the one that worked was legislation.

Q2624 Nigel Mills: When you were having these discussions with Sinn Féin in the early days saying, “We will fix it. It might take some time, but we will fix it. In the meantime, we can offer you these letters,” how did you sell those to Sinn Féin as a way of moving forward?

Jonathan Powell: That is not what we said. What we said, rather unfortunately as you will see from the letter, is, “Yes, we will fix it and we will do it straightaway,” by Christmas or something like that, we said. Then it proved to be completely impossible to do it by that sort of time. The letters were not a quid pro quo for the scheme. We had undertaken to come up with a way of solving the problem very early on, made it public and carried on trying to find a solution. The administrative scheme was dealing with those people who were not wanted. The solution we were looking for was people who were wanted. This was a way of dealing with people who should not be made to wait until the solution had been found.

Q2625 Nigel Mills: So the solutions that you tried, it looks like one of those was to convince the Attorney-General to accept that the public interest was now to let people go rather than proceed with the prosecution.

Jonathan Powell: We started off, as you can see from the papers, from Lady Justice Hallett's report, looking at amnesties and things like that. Gareth, as I said, was very clear from the beginning that that was not going to work.

Q2626 Nigel Mills: There were not any discussion with Sinn Féin where they said, "There are these few people who we really do need back. Is there no way you can kind of nudge the system to err on the side of letting them come back?"

Jonathan Powell: No. The one person who we discussed before was Rita O'Hare, who they argued very early on should be allowed to come back, because she would be instrumental to the peace process, as a strong supporter of it, but that never happened. With the exception of that, no.

Q2627 Nigel Mills: There were not any conversations that you had with various agencies involved in issuing these letters to say, "If in doubt, err on the side of we don't want them."

Jonathan Powell: No.

Nigel Mills: It was, "Do a proper job. If you want them, fine. If you do not, then..."

Jonathan Powell: Yes, we wanted people who were not wanted to be allowed to come back.

Q2628 Nigel Mills: You can see that the suspicion as the years go by is that the amnesty could not be delivered and then, all of a sudden, quite a lot of people quite quickly start getting letters, with what looks like a pretty cursory review taking place. It looks a lot like, to some people, that, unless you are absolutely certain you want them, let us get this over with.

Jonathan Powell: As was pointed out earlier, in the aftermath of the St Andrews Agreement, there was an instruction to try to expedite it, but that meant more resources.

Q2629 Nigel Mills: Were you surprised in the current situation, where we have the PSNI doing a review of all these letters, which is going to take three years? In that period of Operation Rapid, which is kind of an ironic name in the circumstances, they managed to do dozens of these really very quickly. It suggests that they were not doing the thorough job that perhaps was envisaged when these letters were first designed in 2000.

Jonathan Powell: No, but I have a lot of sympathy for the police, which has struggled to deal with the various historical enquiries they are required to carry out, as well as trying to deal with current-day crime, with limited resources. I think it is very difficult for them.

Q2630 Nigel Mills: You mention the other historical enquiries. Would you not have thought it would be a better idea just to let this Historical Enquiries Team go through all the 3,000 or

so murders and see who was wanted, following a thorough review, rather than try to do a separate exercise that was not linked, just to look at individuals?

Jonathan Powell: I cannot remember if we debated whether or not to do that, but the idea was to try to allow people who were not wanted to come back as soon as possible.

Q2631 Nigel Mills: With a great risk that you end up allowing people who should have been wanted to get a letter.

Jonathan Powell: No, we would not have wanted to have a scheme that had a great risk of that. As far as I understand it, there was the one case of Downey and two other potential ones that Lady Justice Hallett has revealed.

Q2632 Nigel Mills: What did you intend the letter to mean then? How much weight was the letter meant to have?

Jonathan Powell: The letter that I signed, and became the model for later ones, was prepared in the Attorney-General's office, and was supposed to say exactly what it said, which is, "You can come back because you are not wanted, but circumstances may change."

Q2633 Nigel Mills: What did you mean by "circumstances may change"? Presumably it is not just, "We might change our mind and we came down 51-49 that you were not wanted yesterday but, actually, we have looked again and, oh dear, we have made a terrible mistake and it is now 51-49 in favour of you being wanted."

Jonathan Powell: The draft was prepared in the Attorney-General's office, in consultation presumably with the Northern Ireland Office, and faxed over to me in Number 10. I produced it as a Number 10 piece of paper and signed it. If it was good enough for the Attorney-General, it was good enough for me.

Q2634 Nigel Mills: You have not discussed with Sinn Féin, then, how much weight these letters were going to have.

Jonathan Powell: No, we had not discussed the drafting with them.

Q2635 Nigel Mills: Presumably you had suggested to them that it would not be like a one-day opinion and that they could be revoked or could be worthless if someone just changed their mind. Presumably there had been some discussion that there would have to be new evidence that came to light or if they were linked to a different offence they had not been linked to before or something. It could not just be a complete new set of eyes and change of mind.

Jonathan Powell: I never discussed the content of them at all with Sinn Féin.

Q2636 Nigel Mills: In all the meetings and all the conversations, when they were so unhappy that the OTR thing was not moving and you were saying, “Look, we’ll make these letters come out quicker; we’ll speed the process up,” there was no discussion on what these letters actually meant.

Jonathan Powell: They were pressing me constantly to deliver on the promise that we had made to deal with those OTRs who were wanted. They spent nine years pressing me to do that.

Q2637 Nigel Mills: These letters were completely irrelevant to actually delivering that promise.

Jonathan Powell: They were irrelevant to the promise that we had made. As I say, we had to distinguish between what we were trying to do, which was to solve the problem of on-the-runs, including those who were wanted, and this administrative scheme for people who were not wanted.

Q2638 Nigel Mills: When, in the written witness statement for the Downey judgment, you said that each letters was intended to reflect, on the basis of the information then available to the authorities, and carefully considered in each case individually, actually you did not know to what extent these letters were based on a careful consideration. There was a hope that that was being done, rather than something you had put in place.

Jonathan Powell: That was certainly our intention but, as I say, if it was good enough for the Attorney-General, it was good enough for me.

Q2639 Nigel Mills: You also said it was intended to provide a solution that worked in practice, even if more slowly and in a more cumbersome and less universal way than had been wished by those negotiating on behalf of Sinn Féin, but you now seem to be saying that this was not a solution to what Sinn Féin wanted at all. It was just that, if they are not guilty, they get a letter—a normal legal process. Have you changed that mind since you gave that witness statement?

Jonathan Powell: No. I think there is a distinction, which I keep trying to make, between the undertaking we had given to resolve the problem of on-the-runs and the administrative scheme, which, as you see from the papers, they were asking to be speeded up all the time and be dealt with. It was an important part of making progress through those nine years that we actually proceeded on the administrative scheme, but the actual negotiating point that we had conceded back in 1999-2000 was the point of dealing with OTRs in general.

Q2640 Nigel Mills: When you wrote, “Although this had not been the solution first envisaged by the British Government in its wish to deal with this particular aspect of the past, nevertheless it was intended to provide a solution that worked in practice,” this sounds like it was some kind of alternative.

Jonathan Powell: No. The only thing that we were able to do by the time we left Government was to produce this, but it was never going to solve the problem of on-the-runs in total, because of course it could not deal with those who were wanted.

Q2641 Nigel Mills: You could have said to the judge, “Look, we promised something completely different. These letters were never part of a peace negotiation; they were just something we did as a way of trying to help a few people.” To actually say, “It was intended to provide a solution that worked in practice,” kind of implies these letters were an important part of the deal, which you are now saying they were not.

Jonathan Powell: I am not saying that they are somehow irrelevant, otherwise I would not have signed the two letters in Downing Street at the beginning, in order to do it speedily. It was important that we showed to Sinn Féin that we were trying to deal with those who were not wanted. That was an integral part of our negotiation. What they were not is the big issue in the negotiation, which was dealing with those who were wanted.

Q2642 Nigel Mills: I guess that is where the concern comes. Effectively, via these letters or by just not pursuing extraditions or just not perhaps going and looking at the files on the old cases very carefully, we have effectively just not proceeded with cases against a lot of people. It just feels like we have done an amnesty by lack of action or something. That is not something that you would accept, I take it.

Jonathan Powell: It is not something that Lady Justice Hallett accepts. She says that there was not an amnesty, and I think she is quite right. There is a bigger issue, which you touch on, which is that unless we find some way of dealing with the past in Northern Ireland, we are not going to resolve these issues. There really needs to be a proper effort to do it. We failed to solve that while we were in Government. We set up the Eames-Bradley team before we left, but that failed to find a solution. Honestly, if we keep digging up the past, we will find it very hard to have a happy future for Northern Ireland.

Q2643 Oliver Colvile: Forgive me, but surely it is the case that, actually at the end of the day, it is the victims’ families that want to have some solutions to be able to close their whole position down.

Jonathan Powell: Exactly. That is why I am saying that, if you do not find a satisfactory way of dealing with the past, you will not resolve it. One thing I did notice in Lady Justice Hallett’s report is she says that Government was opposed to a truth and reconciliation commission, because we did not want to be associated with South Africa. That is not correct; we actually did contemplate a truth and reconciliation commission a number of

times, but we could never persuade the parties in Northern Ireland to sign up to that. They did not, on both sides, like it.

Q2644 Lady Hermon: So there are flaws in the Hallett report. You would accept that. You have just identified that.

Jonathan Powell: It is a tiny flaw, yes.

Q2645 Chair: Just on the contents on the letters, one thing we have struggled to understand, and indeed we asked Dominic Grieve¹⁹, former Attorney-General, this question, and he is not damning of the scheme generally, but he did accept that it is one of the weaknesses of the scheme—or the letters certainly—that it is not clear what “new evidence” might be. It may be evidence that already exists, which is now uncovered, or it may be new things that come to light. He accepts that is one of the difficulties of the scheme. Would you accept that?

Jonathan Powell: I honestly do not think that, as a layman, I am qualified to know the legal ins and outs of it. He is much more likely to have a sensible view of it than I am. Again, the wording I took was the wording provided by the Attorney-General.

Chair: That is interesting.

Q2646 Lady Hermon: Thank you again, Jonathan. Just a number of concerns based upon the evidence that you have given in response to questions from other colleagues. You have repeatedly insisted that these letters—you have defended these letters. The reason you have defended these letters is that they were sent to people, in your terms, who were not wanted. That is consistent; I have not misrepresented what you have said to us.

Jonathan Powell: Correct.

Lady Hermon: You believe these letters were sent. You were again quoting from the Hallett report in saying that, in fact, two appear to have been sent in error. Two?

Jonathan Powell: Yes.

Q2647 Lady Hermon: Out of the 228, there appear to be 226 that you believe to be validly sent; you have defended them.

Jonathan Powell: No, what I said was we were sending letters on the basis that they were being sent to people who were not wanted. It would be quite wrong for us to try to establish that ourselves.

¹⁹ The transcript of Dominic Grieve’s oral evidence to the Northern Ireland Affairs Committee on 2 July 2014 can be found here:

<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/northern-ireland-affairs-committee/administrative-scheme-for-ontheruns/oral/11189.html>

Q2648 Lady Hermon: Following on from that, you must have been very surprised by the evidence given to us, including the statement made by the Secretary of State, Theresa Villiers, last week to this Committee, saying to all of those recipients of OTR letters that they must not rely upon them. Were you not very surprised by that, if you had maintained all along to this Committee that these letters were sent to people who were not wanted? Why on earth would the Secretary of State for Northern Ireland now say, “Don’t rely upon them. Don’t sleep easy in your bed”?

Jonathan Powell: You will have to ask her.

Lady Hermon: We did ask.

Jonathan Powell: What did she say?

Lady Hermon: She was very careful to say that they were not rescinded, so we were going to ask you what you think is the difference between not relying on the letter and being rescinded. You are going to tell us you are not a lawyer.

Jonathan Powell: I am not a lawyer, and I am not a philologist. There is no way I could know the difference between those two phrases. I simply have no idea how this would work in a court of law.

Chair: To be fair, that was the point we made as well to her. Is it for a politician to be able to state the value of the letter? That is the point we made. Sorry, Sylvia.

Lady Hermon: It is alright, Chairman. I quite like the interruptions actually. I think it is much more free-flowing and keeps you—

Jonathan Powell: It keeps me on my toes.

Q2649 Lady Hermon: Yes, it does keep you on your toes. What was your response last week, when the Secretary of State announced that these letters should not be relied upon?

Jonathan Powell: I was in Libya, so I did not actually know about it at the time.

Lady Hermon: You have of course a smartphone.

Jonathan Powell: Actually, smartphones do not work terribly well in Libya, at the moment, but I did find out about it when I came back.

Lady Hermon: And your response?

Jonathan Powell: I was surprised and I did not quite know what it meant.

Q2650 Lady Hermon: What surprised you about it?

Jonathan Powell: It surprised me that you would—actually, that is a good question.

Lady Hermon: We will put you on the spot.

Jonathan Powell: I was surprised that that was a gesture a politician would make, given that you have to have a relative balance, if you are Secretary of State for Northern Ireland, on these matters. She may well have her own reasons for doing that that I am simply unaware of.

Q2651 Lady Hermon: Do you think it was unwise of the Secretary of State?

Jonathan Powell: One of the things I have discovered after leaving Government is that people in Government know an awful lot of things that, outside Government, you do not know and it is sensible to be quite cautious about opining on those things without that knowledge.

Q2652 Lady Hermon: Just picking up on that point, you have said, sort of a throwaway line in response to various questions, that you need to be very careful with the peace process that you do not unravel it and you do not pick at it. With the spotlight on the OTR issue and the fact that the Secretary of State has now said that these letters cannot be relied upon, are you concerned about the consequences of those statements? Are you concerned?

Jonathan Powell: I am not sure I am close enough now to Northern Ireland.

Q2653 Lady Hermon: You have hinted at that several times. Why have you hinted at it?

Jonathan Powell: I say this with all due deference, because I am not sure I am across all that is going on in Northern Ireland, but I did notice that Gerry Adams wrote an article in the *Guardian* a short while ago saying that the peace process was under threat, so there must be reasons to worry if one side is saying that the peace process is under threat. Whether OTRs are a major issue in that I somehow doubt, but I could be wrong. I am saying that I do not think OTRs are a major issue in the peace process being under threat, but I note that one party to the peace process is saying that it is under threat.

Lady Hermon: Yes, but not necessarily because of OTRs.

Jonathan Powell: That is what I am saying.

Lady Hermon: Quite the opposite: they seem to be fairly relaxed about all of this coming out into the public domain.

Chair: You have 10 minutes left.

Q2654 Lady Hermon: Thank you. Can I just ask again? You have mentioned to us the number of guests that you have invited to your wedding and that included David Trimble. You also paid a very generous tribute, quite rightly, to his courage in committing to the Belfast Agreement. He has given evidence to this Committee²⁰ about how hurt—that was his

word—he felt that the Government had, in many ways, deceived him about this OTR scheme, about the letters that were secret, and they certainly were. There is no evidence that they were ever published until the Downey judgment. How do you feel about deceiving a Nobel Prize winner like David Trimble, who did so much and was critical to the negotiations for the Belfast Agreement? How do you feel in your heart of hearts about the deceit and the hurt that he feels over this issue, this scheme and these deceitful letters?

Jonathan Powell: I have, as I said, a huge amount of respect for David Trimble and I would be very sorry if he felt hurt about things. I do note that he put a proposal to us for solving the problem, which we tried very, very hard to make work. We went to great lengths repeatedly, as Lady Justice Hallett says, over years to try to make it work and we never could.

Q2655 Lady Hermon: His proposal, just for the record, involved the people coming and pleading guilty.

Jonathan Powell: Yes, coming back and then choosing the tribunal that does the early release, as I recall.

Q2656 Lady Hermon: It included OTRs coming forward and pleading guilty. I sometimes think it is a red herring, but could I just ask for clarification? Did Sinn Féin in the early part of the negotiations, in which you were central—meetings in Belfast, Dublin, all over the place—actually ask for an amnesty? There was a lot of boasting that this was not an amnesty. Did they ask for an amnesty for OTRs?

Jonathan Powell: They never asked for an amnesty for OTRs, but they did ask for the problem to be resolved in total—in other words including those who were guilty and were wanted. I suppose that is effectively an amnesty because, if you have to find a way of dealing with it, it would have to be a legislated amnesty.

Q2657 Lady Hermon: For clarity, Sinn Féin did not ask for an amnesty.

Jonathan Powell: I do not recall them using the word “amnesty”, but what they were asking for would have amounted to an amnesty.

Q2658 Lady Hermon: For those who boast this was not an amnesty, it is almost like it is a false claim, because Sinn Féin did not ask for an amnesty in the first place, did they?

²⁰ The transcript of David Trimble’s oral evidence to the Northern Ireland Affairs Committee on 13 May 2014 can be found here:

<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/northern-ireland-affairs-committee/administrative-scheme-for-ontheruns/oral/9593.html>

Jonathan Powell: They were asking for a solution to all of the problem, including those who were wanted, which would have effectively been an amnesty and we would have had to legislate for it, but the legislation, as we discussed, was withdrawn.

Lady Hermon: But they did not ask for an amnesty. Moving to Bertie Ahern swiftly—

Chair: Can it be quick, because I have a few more people to get through?

Q2659 Lady Hermon: We have a copy of Bertie Ahern's letter here for you, pre-prepared²¹. What is key about this letter is of course the date. It is December 1999, and the first letters that you signed off were in 2000. What is so interesting is, at the beginning of the evidence, you told us that Sinn Féin made the demand about OTRs. This letter begins with a reference to conversations that the then Taoiseach had with Tony Blair, as the Prime Minister at that time, where in fact the Irish Government is calling upon the British Government to drop extradition charges and to drop charges against those who are leading lights within the republican movement, in order that they could, in my terms—according to Bertie Ahern—sell the Good Friday Agreement, both in the Republic of Ireland and in Northern Ireland. How much pressure did you come under and did the Prime Minister come under from the Irish Government at this time, not just Sinn Féin?

Jonathan Powell: That issue was first raised with us, in my recollection, as I told Lady Justice Hallett, immediately after the Winfield House meeting. That is when Adams and McGuinness came with a list of things they wanted, including the solution to the problem of OTRs. We then started working on it at that stage, which was before this. It is true that the Irish Government, thereafter, did apply pressure on us, did try to persuade us this was the right way to move forward, yes.

Q2660 Lady Hermon: It was not just a trade-off, as you have said in your book, that OTRs were being dealt with in the context of decommissioning other things. It was pressure from the Irish Government initially to deal with OTRs.

Jonathan Powell: Yes, but they would be pressing us on a bunch of issues that they wanted us to concede on one side, and then we would be having pressure from the unionists on the other side for things they wanted us to concede.

Q2661 Lady Hermon: The genesis of the OTR scheme and your letter, because your letters were signed in 2000, were you responding to pressure from the Irish Government.

Jonathan Powell: No, we were responding to the negotiation with Sinn Féin, where the Irish Government was pressing us on certain issues on Sinn Féin's side, as Kate was saying earlier. Yes, the Irish Government were pushing us on various subjects but, in the end, what really mattered was whether we thought we could get to a solution that brought

²¹ The letter from Bertie Ahern to Tony Blair, 23 December 1999, can be found here:

<http://www.parliament.uk/documents/commons-committees/northern-ireland-affairs/Letter%20from%20Bertie%20Ahern%20to%20Tony%20Blair,%2023%20December%201999.pdf>

both Sinn Féin and the unionists into an agreement, got the institutions up and running and got decommissioning. That is what we were attempting to do.

Q2662 Lady Hermon: So there was pressure from the Irish Government.

Jonathan Powell: Yes, absolutely.

Q2663 Chair: Just to clarify, Lord Trimble was disappointed, upset, by his not knowing about the scheme, rather than not knowing about the attempts to deal with the on-the-runs.

Jonathan Powell: Yes, I understood that.

Q2664 Oliver Colvile: Okay, so where we are on this is that you think that those people who potentially have committed crimes or are wanted should come back to this country, but you at the same time wanted to try to find a way of trying to sort the whole mess out of people who are actually wanted to answer the police's enquiries. It seems rather odd then that you end up by actually also deciding that you are not going to continue with the extradition of those people back to this country. I am slightly confused. Did you ever write to those people who are wanted to ask them whether or not they would like to come back and actually face the law?

Jonathan Powell: It certainly would not have been appropriate for me to write to them and ask that. I spent a long time in the embassy in Washington working on extraditions of IRA terrorists from California, New York, Boston and elsewhere but, when it came to being in Government in Number 10, I do not actually remember how the extradition issue was dealt with in the end. I think we decided not to seek extradition. Was it before the Good Friday Agreement or after? I cannot remember how that worked. You might be able to remind me.

Q2665 Oliver Colvile: Given that you are saying this was principally those people who were not wanted, why did Number 10 and the NIO get involved in it, rather than just allowing the CPS to actually write those letters?

Jonathan Powell: The first two letters?

Oliver Colvile: No, writing the letters, saying to people, "You're not wanted back in this country so feel free to come back." Why did you need to end up writing it at Number 10 rather than the authorities—the CPS?

Jonathan Powell: I signed the first two letters because, as I said, of speed. This was part of a live negotiation at that time, and so I had to do it. The subsequent letters were all signed by the Northern Ireland Office.

Q2666 Oliver Colvile: Why did they do it rather than allowing the—

Jonathan Powell: I see, rather than the CPS. I am afraid I do not know the answer.

Q2667 Oliver Colvile: It just seems to my mind that you have muddied the waters quite a bit by deciding that Government at national level should do it, rather than one of the agencies doing it.

Jonathan Powell: That is a good point and I do not know the answer.

Oliver Colvile: Maybe you can think about it and write back to us at some stage.

Jonathan Powell: I could, but it is not something that actually crossed my mind before.

Q2668 Nigel Mills: Is that a way of saying that they would not send the letters—that they did not want any part of the process because they knew it was not a normal way of conducting criminal justice?

Jonathan Powell: Not that I recall. I rather doubt that they would have agreed to the Attorney-General going ahead and authorising such letters if they were opposed to them, but I do not know. I do not think so.

Q2669 Nigel Mills: It seems strange, does it not? Surely if all they were writing was, “We don’t have enough evidence to further question, arrest or charge this individual,” it would be perfectly natural for the police, the CPS, the Attorney-General or anybody to be happy to send that out, surely.

Jonathan Powell: I do not know.

Nigel Mills: It looks like a lot of buck-passing on this one, from those agencies that perhaps did not want to get caught holding that particular baby.

Jonathan Powell: You could ask the people who were there at the time. I do not know.

Nigel Mills: We tried that.

Q2670 Kate Hoey: Tony Blair’s legacy now is seen as being, one side of it, the Iraq war and everything that went on with that. Clearly that has counted against his reputation. In terms of Northern Ireland, do you still think he is seen around the world as the person who really brought peace to Northern Ireland?

Jonathan Powell: In my experience, very few people talk about Tony Blair in Northern Ireland. I think it is a shame actually that they forget the effort that he and Bertie Ahern made to bring about peace in Northern Ireland over 10 years. People largely remember Iraq or Afghanistan, whatever it might be. Actually, he deserves a huge amount

of credit for what he did and the amount of time that he devoted to it. I hope that history will be kinder to him than current events.

Kate Hoey: Perhaps you might tell him, then, that his reputation, certainly in Parliament in terms of this Committee and others, if he remains difficult, let us say, about coming towards the Committee—it will not go down very well.

Jonathan Powell: If I speak to him, I will certainly pass that on.

Chair: Thank you. It has been a very useful evidence session. We are very grateful to you for coming, Mr Powell, and I am sure we can all wish you well in your future work around the world. For now, thank you very much indeed.