



Northern Ireland Affairs Committee

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

Wednesday 10 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 [2671-2816]

Witness: **Rt Hon Mr Owen Paterson MP**, former Secretary of State for Northern Ireland, gave evidence.

Q2671 Chair: Mr Paterson, thank you very much for joining us. It is just like the old days. You are very welcome back to the Northern Ireland Affairs Committee. As you know, we are looking at the issue of the on-the-runs letters. The inquiry was really sparked off by the Downey case¹. So far we have taken a great deal of evidence from almost all former Secretaries of State. You are very welcome. We are very pleased that you are able to come and see us today. Would you like to make a brief opening statement about your recollection of the scheme?

Mr Paterson: Good afternoon, Chair. I thank the Committee for inviting me along. I will be very brief. I was the shadow Secretary of State for three years. Towards the end of that period, I had briefings from the then Secretary of State, Shaun Woodward. I have no remembrance at all of being told about this scheme. Chair, you were probably involved in this because you were my shadow Minister of State. I am absolutely certain that, if I had been told anything, I would have told you in our regular meetings.

The first I can recall being told about this was when I came into office and there were briefings from the Northern Ireland Office. I remember very clearly that the first question was whether there was any hint this could have been an amnesty. There was very clear assurance that all of those who might have received information or a letter would still be subject to the law, should further evidence come forward.

An enormous amount was going on at the time. We had just fought a general election, and for the first time in many years the Conservative Party was linked directly with the Ulster Unionist Party, and there were concerns about how we would take on the devolution

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>

settlement. I was absolutely clear that, for all its imperfections and all the difficulties that the previous Government had gone through, it was not for us in any way to change that which we inherited, which was working.

The biggest question facing us immediately in the public arena was whether we would do anything with the Saville Report. There was open speculation that we would not publish it. There was a growing problem with dissident terrorism. There had been a terrible attack on a policeman not long before we took office. Those were the issues that were really concerning us.

When I came in, there were only a small number of individuals—probably about 40—being investigated. I have since checked with the NIO. During the course of this Parliament only 12 individuals have received a letter saying, “You are not wanted, but”—we always check—“should further information come forward, you will have to go through the due process.”

For me, this was not an enormous issue on my plate when I came into office. It was a regular topic whenever I saw Sinn Féin. When I was the shadow I had made a point, as you will remember, of going to Dublin on a very regular basis, building up very good relations with politicians of all the parties there, seeing the Garda commissioners, etc, and that carried on when I was Secretary of State.

It became a regular feature that I would go and see Gerry Adams. He would pour the tea; there would be a list of issues to be discussed, and this would be one of them. The discussions with him became increasingly sterile and unsatisfactory, because the politics were that Sinn Féin’s interpretation of whatever was discussed at Weston Park—obviously, I was not there—was that this was some sort of amnesty and all those on the list deserved to be given clearance that they could return to Northern Ireland. We on our side never ever considered that. You know perfectly well from our discussions when you were my shadow Minister of State that we could never countenance that. We opposed the Labour Party’s Bill, which effectively did offer an amnesty. That fell apart when Sinn Féin dropped its support. That was absolutely out of the question. What would happen is that, before we would go and see Sinn Féin, we would say, “They are bound to bring up on-the-runs again. Is there anything new to tell them?” By that stage, the vast majority of people had gone through the review and had either had a letter or not had one, in which case they were very much wanted, and there really was not very much to say.

I remember quite clearly that towards the end of my term I had a meeting with Dominic Grieve, the Attorney-General. We were very lucky to have an Attorney-General who took a real interest in Northern Ireland. Dominic had taken a real interest. He went to BIA meetings and things like that at Oxford and Cambridge. I went through it and said, “We are really getting nowhere on this. We cannot keep asking the police to review these cases. We turned down, very emphatically, the amnesty option proposed by the Labour Government’s Bill, which fell apart. Is there anything else we can do?” As you know, he is a very experienced lawyer. He came to the conclusion, which I will come to separately, that this should be handed back to the devolved authorities who were now settled in.

I remember that at my last meeting with Gerry Adams it came up again. The meeting was dominated almost entirely by the issue of Mary McGlinchey, the parole commissioners and all that, which is, looking back, a distant memory now, for me. I do remember saying,

“This is not really progressing. I don’t think there is very much more we can do. I will ask advice from our Attorney-General, but I think you are better taking this up with the local Minister and the local DPP and the local arrangements.”

You can ask why we did not do that right at the beginning. I will give probably three reasons for that. When we came in there was still great uncertainty about devolution of policing. It had been a very bitter debate in Northern Ireland. Our partners in the election had bitterly opposed it, and it would have been very destabilising to throw in this issue. We saw it as an issue of national security that had come out of these very difficult negotiations that the last Government had conducted with the Irish and American Governments, and it just was not appropriate. I cannot remember a single person at that time suggesting that we should have handed over this issue to the very new devolved Minister, but, after two years when his position was stable and settled and it was all working well, we were really getting nowhere. We were having sterile conversations with Sinn Féin and were not giving them satisfaction, and it was obvious that it would be better if it was handed back. I think I wrote a letter to Gerry Adams in July or August 2012². I think I saw him in July and probably wrote back in August to say, “Look, we have discussed it with our AG. I think you should really take this up with the local Minister and local authorities.” What happened then, bluntly, was that it fell through the grating.

Q2672 Lady Hermon: What fell through the grating—your letter?

Mr Paterson: The issue of handing it over to the local arrangements. We had the Olympics; there was a reshuffle and I was moved to Defra. It was unfortunate at that time, because it would have been the appropriate moment to move it to the local Minister.

Q2673 Chair: Thank you very much for that. It was very illuminating. When you were briefed, presumably that was by officials in the NIO.

Mr Paterson: There would have been a briefing.

Q2674 Chair: That would have been the normal way of introducing a new Secretary of State, presumably.

Mr Paterson: Yes. I am absolutely sure that was the first I heard of it.

Q2675 Chair: I can confirm that I did not know anything about it as a shadow Minister, certainly.

² The letter from Owen Paterson to Gerry Adams regarding their meeting at Leinster House (August 2012) can be found here: <http://www.parliament.uk/documents/commons-committees/northern-ireland-affairs/Letter-from-Owen-Paterson-to-Gerry-Adams-re-Meeting-at-Leinster-House.pdf>

Mr Paterson: I would have been bound to have told you. If Shaun had told me, even in one of our private meetings, I would have been bound to pass it on.

Q2676 Kate Hoey: Can I confirm that it was the first you knew about letters going out, or was it the first you knew that there was a scheme looking at on-the-runs?

Mr Paterson: I do not remember it even being called a scheme. When I came in, it was just a matter to be discussed with Sinn Féin called on-the-runs. I do not remember it even being called a scheme. I do not remember getting into the detail of how the information was transmitted. We would have these regular meetings and say, “Is there anything we can tell them?” We always had the Sinn Féin list. People would pull a face and say, “Frankly, no”, but by then we were right at the end of it. For the clear cases, we were down to a very small number.

Q2677 Chair: If we can stick to one question at a time, everybody will get in. With regard to the officials, they do a briefing when a new Secretary of State comes in.

Mr Paterson: Yes; I have had a briefing from the officials.

Q2678 Chair: The 12 or so letters that went out during your time as Secretary of State were presumably signed by officials, not by you, or is that not the case?

Mr Paterson: I never saw a letter.

Q2679 Chair: In the wider scheme of things, given the fact officials took this on, do you think it would be perfectly appropriate for this Committee to discuss it with officials, past and present?

Mr Paterson: I am not at one on the protocol of Select Committees, but, as I understand it, you are allowed to call whoever you like. You had better talk to the Speaker about what your powers are.

Chair: That is how we understand it as well. Obviously, officials have played a big role in this, for better or for worse, as they do in many negotiations.

Q2680 Lady Hermon: I have just a few questions to begin with, and then I will open it up to colleagues who are also very anxious to probe some of the statements you have already made to us this afternoon. I am really, really puzzled by what you have said. I am puzzled for a host of reasons. You were well aware that David Ford, leader of the Alliance Party, had been elected as the Justice Minister in Northern Ireland, and that policing and justice had been devolved in the spring of 2010, well before the general election. You said there was a range of reasons why this issue was kept at Westminster and not devolved, including, to use

your precise words, that it was an issue of national security. You also told us that two years later you took the idea or notion into your head that now the devolution of justice was working very well, and you could hand over OTRs to them. How could you do that if it was an issue of national security? Is that devolved to the Department of Justice in any circumstances?

Mr Paterson: No. I think it is self-explanatory. There was a new Minister whose position was—I think one can say—tender. He was very concerned about his position as he was not elected under the D'Hondt mechanism, which was corrected by the Government's Bill last year. We had a lot of discussions with him. A lot of issues bracketed as "national security" were handled by the Northern Ireland Office. For me, this was not a major issue. I was surprised it was going on, but I remember it was made quite clear in the briefing that these were not letters that got anyone off the hook because, if fresh information came in, they were still subject to the law. Frankly, I moved on to other issues. This was one of the things in the briefing. It came up in the regular meetings with Sinn Féin, but no one else raised it. This is quite important. No one at any stage—not a single human being—in any party, or any official, mentioned handing over this particular issue to the devolved Minister. A small number of cases were going through the process. Two years later, it had moved on completely. The Minister was well established. It was quite clear that this scheme had completely dried up, and we were getting nowhere. We were not delivering what Sinn Féin wanted. By then Sinn Féin were quite obviously supporting policing and justice. All the worries and uncertainties about that had settled, and it was then appropriate to tell them, "The next step is that you move on to talk to the local Minister." Looking back, I think it would have been very unhelpful to drop this on David Ford when he was just trying to settle in.

Q2681 Lady Hermon: Do you think it was a good idea to keep him and the First Minister, Peter Robinson, completely in the dark that these secret letters to OTRs were continuing to go out when we had a coalition Government—when we had the Tory Party as the major party in the coalition Government? Did you feel comfortable about continuing that deceit to the First Minister and the Justice Minister of Northern Ireland?

Mr Paterson: Nobody raised this with us. Your old party, with whom you were in partnership, never raised it when we came to the election. They could have said, "We want to have a commitment in the manifesto on OTRs."

Q2682 Lady Hermon: Forgive me, Owen; I am not asking you to speak on behalf of the Ulster Unionist Party, though it is very nice of you to do so. I am asking you to reflect on the fact that you were the new Secretary of State in Northern Ireland on behalf of a coalition Government. Why on earth did you take on this very controversial scheme? Why would you have done that in 2010? We were so confident about the success of devolution in Northern Ireland, we had devolved justice and policing in the spring of 2010. That is how solid it was.

Mr Paterson: I will repeat what I said. There was real uncertainty about how we would handle the whole devolution settlement.

Q2683 Lady Hermon: So you decided to keep quiet and not tell the First Minister or the Justice Minister.

Mr Paterson: I made a very clear decision that, for all the issues that may have been involved, however uncomfortable they might have been and however we might have handled them differently in the negotiations, we had to take on what we had inherited for all their imperfections. It was not for us to start tearing things apart. On this particular issue—I do not remember it being called a scheme—in the end it was down to a very small number and we had other bigger issues to concern ourselves with. We had a major security problem. I had a major negotiation immediately with the Treasury to bring in significant funds of money, which the chief constable badly wanted. Those were the issues. The fact that there had been a scheme, which, as far as I could see, gave people a statement of fact—it did not change their status legally at all. The Chair knows as well as anyone there was absolutely no way I would have countenanced any hint of an amnesty. Therefore, once it was made clear that all these letters did was state the fact that currently, on the information available to us, they were not wanted but, should further information come in, they could be wanted, I did not see this as an enormous issue, and hardly anyone raised it. The only people who raised it were Sinn Féin at my regular meetings.

Q2684 Lady Hermon: On several occasions you have referred to the fact—I am using your language, not my own—that these letters, or the scheme, had more or less dried up. Those were the words that you used.

Mr Paterson: If you look in Hallett³, she listed 228 and they had pretty well been—

Q2685 Lady Hermon: When precisely did the scheme dry up? Was it in your tenure or your successors? There is some confusion about that.

Mr Paterson: As I remember, I think about 45 cases were being looked at, in process, when we came in. I thought it was not appropriate to change that because we had suddenly come in. I do not know how many were under my watch or that of the new Secretary of State, but the total under this Government is 12.

Q2686 Lady Hermon: So you are not sure when the scheme dried up.

Mr Paterson: It was perfectly obvious that it was drying up, because nearly all the letters had gone out.

Q2687 Lady Hermon: You have suggested that it was so close to drying up that you actually wrote to Gerry Adams in 2012.

³ A link to the Hallett Review report can be found here: <http://www.hallettreview.org/report/>

Mr Paterson: In the summer of 2012, at my last meeting with him in Dublin, I told him that I thought it was really appropriate this should be taken up with—

Q2688 Lady Hermon: You said that you wrote to him.

Mr Paterson: I wrote to him. I always confirm with letters.

Q2689 Lady Hermon: That is absolutely fascinating. That has not come to the attention of the Committee, and we have taken hours of evidence. Therefore, it would be appropriate for us to ask the Northern Ireland Office to give us a copy of the letter that you wrote to Gerry Adams. You would have no objection to that.

Mr Paterson: That is your privilege.

Q2690 Lady Hermon: You were in the Chamber yesterday when the Secretary of State made yet another statement—publically, not a written statement. We were very pleased that she changed her mind, because last week she was just going to issue a written statement about the consequences of the Hallett report. She made an oral statement; you were present. Given that the Secretary of State, Theresa Villiers, your successor, has repeatedly said that these letters cannot and must not be relied upon, and she has given great publicity to that, do you agree with a number of members of this Committee—I speak for myself—that the recipients of these OTR letters should be named? If they are now of no substance or value, why would the Secretary of State not release the names of the 228 recipients? Do you agree?

Mr Paterson: Unlike you, I am not a lawyer.

Q2691 Lady Hermon: You do not have to be to answer it.

Mr Paterson: I think there are issues of “innocent till proven guilty”. I think you would have to take legal advice on that rather than ask me, but that was never an issue when I was involved.

Q2692 Lady Hermon: Do you see the point I am making? The Secretary of State has repeatedly said these letters are now worthless; they should not and cannot be relied upon. In that event, as a Conservative MP and a decent individual, do you believe—I do not want a lawyer’s answer; I want you, Owen Paterson, to reply to a direct question—these names should be disclosed to the general public, since the letters are valueless?

Mr Paterson: I think I have given it. As a lay person who is not a lawyer, I have a crude understanding of the concept of “innocent till proven guilty”, so personally I think it would not be appropriate to publish the names.

Q2693 Naomi Long: It is very good to have you back in front of the Committee, Owen. Thank you for coming along. You mentioned that you were briefed on the scheme when you came into the Northern Ireland Office as Secretary of State. Were you advised that David Ford had specifically not been informed about the operation of this scheme? Was that raised with you by your civil servants and advisers that he did not know about the scheme?

Mr Paterson: I do not remember him being mentioned in any way at all. It gets back to Sylvia's question. This was treated as an issue of national security that had emerged from talks where two other national Governments were involved—the States and the Republic of Ireland—at places like Weston Park. I saw it as one of the issues that had come up at that level.

Q2694 Naomi Long: But you were not advised that he did not know about it and you were not advised that you should not discuss it with him.

Mr Paterson: No, I do not remember him being mentioned in any shape or form.

Q2695 Naomi Long: Did it ever occur to you to discuss it with him, given that, while he has no operational responsibility for the PSNI and the DPP, he does have responsibility for funding, for example, those organisations, recognising, as Theresa Villiers has in the evidence she has given, that he could be exposed to significant criticism if it were to emerge that this had been happening and he was not aware of it? It never occurred to you that as a courtesy it ought to have been discussed with him.

Mr Paterson: I think the money side is pretty modest. As I have already explained, only a small number of people were being looked at.

Q2696 Naomi Long: The money side is not the issue. The issue is that he has some accountability and responsibility for the agencies that were operating the scheme on behalf of the Northern Ireland Office without his knowledge under devolution. These were devolved structures for which he is primarily responsible. Therefore, in the context where he had responsibility for that, did it not occur to you that it may have been, at the very least, a courtesy to speak with him about the scheme?

Mr Paterson: As far as I can remember, his name was never mentioned in any discussions on this. It was treated as an issue of national security, with which the NIO dealt directly with the PSNI.

Q2697 Naomi Long: You did not feel there was any risk whatsoever in not making the Justice Minister and the Department of Justice more widely aware that this scheme was continuing under your watch as a new Government so that they would be informed that was the case.

Mr Paterson: No, it never arose; not a single person mentioned it to me.

Q2698 Naomi Long: You have reinforced that point a number of times. One could argue that if Sinn Féin were the only people raising it with you it was perhaps because they were the only people aware, aside from yourself and those in the Northern Ireland Office, that the scheme existed. It is very difficult to raise a question about an issue that you do not know exists. That may have been a clue that others were somewhat in the dark about what was happening, rather than a defence against the fact that, at the point you took over as Secretary of State, when you would have been regularly briefing David Ford on a range of issues where there was connectivity between what happens here in Westminster and what happens in Northern Ireland, including issues where security is involved—because the PSNI are responsible for national security in Northern Ireland—you never saw fit to raise this issue with him. Were you advised not to do so, or was that a decision you made yourself?

Mr Paterson: It was never mentioned or considered.

Q2699 Naomi Long: At the point where you thought you were going to devolve it, when you had considered that it was time to pass on the scheme, did you discuss that with David Ford?

Mr Paterson: That would have been the next step, having discussed it with Dominic Grieve, and him and me coming to exactly the same conclusion, and having told Gerry Adams. The next step was to approach the devolved Minister, if I had been around a little longer. I think I moved in early September 2012. We had a reshuffle and the Olympics. I think my expression was that, sadly, this issue fell through the grating. The obvious next step would have been to tell David Ford at that point.

Q2700 Naomi Long: I would have thought that the obvious step would have been to discuss it with the Minister before discussing it with Gerry Adams, but perhaps that is just my own sensitivities around the issue. You discussed the scheme with Gerry Adams, and your consideration that you might wish to pass it on to the devolved Northern Ireland Assembly. You did not at the same time, or beforehand, discuss it with the First Minister, Deputy First Minister or David Ford as the Justice Minister to whom the scheme would have been devolved. At no point did you feel it might have been appropriate to speak to them, as opposed to simply Gerry Adams.

Mr Paterson: No, because I was waiting to get my Attorney-General's advice.

Q2701 Naomi Long: But that did not preclude you from speaking to Gerry Adams.

Mr Paterson: Yes, because he was the person I talked to at Sinn Féin. He was head of Sinn Féin, so he was the one I discussed it with.

Q2702 Naomi Long: You clearly also have people you talk to in all of the other parties, but you did not discuss it with any of them.

Mr Paterson: Because I ran out of time; I got moved. This is the holidays; this is August.

Q2703 Naomi Long: With all due respect, you did discuss it with one leader of one political party but you did not discuss it with the leaders of other political parties. You were not prevented because of Dominic Grieve or anything else—the holidays, the Olympics or whatever it might have been—from discussing it with Gerry Adams in terms of your priorities. Do you not think it would have been appropriate, if you were considering such a move, to raise it first with David Ford, given that you were committing to paper a comment about this to Gerry Adams that could have come out and caused embarrassment to the devolved administration generally, and David Ford, the First Minister and others specifically?

Mr Paterson: I think you can construct that with the benefit of hindsight. As I remember, the chronology, given the holidays, is that I probably went to Dublin at the end of July and would then have taken advice, which would have come through in mid to late August. Therefore, the appropriate next step, if we were going to inform David Ford, was to meet him, but I got moved in early September. There is no conspiracy about this; it is just that the circumstances did not work out correctly.

Q2704 Naomi Long: Is it normal practice in your experience in government that when a Minister moves from one Department to another, things that might have been done simply fall through the cracks? Is that normal practice? Is there not some kind of safeguard against that, given how often we have reshuffles during a parliamentary term?

Mr Paterson: It has only happened to me once, so I am probably not the best authority on this.

Q2705 Naomi Long: I take on board the fact that at the point you were engaging in this, you did not hear it referred to as a scheme as such. Many of us did not hear it referred to as a scheme, or were not aware it was happening, and so I will not contest that. You would have been aware, despite the fact that perhaps this was not the biggest political issue in terms of the live debate and discussion, from the extensive work both you and your Minister of State did with victims, that this had the potential to be a hugely sensitive issue in terms of Northern Ireland and dealing with the past. That was something you did invest quite a lot of time in, so you would have recognised the sensitivity. Did you ever think when you were briefed about the scheme to ask about the method of communication between the Northern Ireland Office and those in receipt of whatever comfort it was they were going to receive?

Mr Paterson: No. You are quite right to mention victims. That is why I would have been absolutely clear that this scheme would be totally unacceptable if there had been a hint of an amnesty, which would have been shocking to victims. I think this issue has been blown up by the horror of Downey. It is absolutely dreadful for those victims that Downey has

been let off because of the mistake with the letter. Until then, this issue has been quite a low-key matter.

Q2706 Naomi Long: It was certainly orchestrated to be—

Mr Paterson: No, because the letters just gave people information that they were not wanted, but my understanding was very clear—I can remember the briefing—that, should further information come forward, they were not off the hook; they would be called in and would have to go through process, which was confirmed again by the Secretary of State yesterday. Looking back, it is completely inconceivable there could be Select Committee hearings on this particular issue. It is the horror of Downey which has, quite rightly, brought you together to investigate this. At the time this was something that had come out of the talks; it was one of those messy imperfections. Lady Justice Hallett’s phrase, in one of the last paragraphs, was that this was a messy issue. It resolved matters that none of us knows about, because none of us was involved in the talks at the time. By the time it got to me it had pretty well run its course. I would have stopped it immediately if it had been a horror to victims, but I could not see how victims could object to this because if someone, who it was thought had perpetrated a crime, received a letter on the basis that the police did not have enough evidence at that time but further evidence came in, the victims would have been happy in the knowledge that those people would still have gone through the process. That was really important.

Q2707 Naomi Long: That was not the question that I asked you, but, on that specific point, there are three reasons why victims could be concerned about the scheme. The first is error, which is the case of John Downey, that could lead to a trial falling apart. They would have reason to be concerned about that, and indeed do have reason to be concerned about that. The second is that sending those letters as some form of reassurance, however factual and limited, by Government could prejudice a future trial or investigation, and the only way we will know to what degree that is true of the letters that have been issued is when one is presented to a court in a trial. The third is the secrecy surrounding it and the fact that people were unaware, unlike with the early release scheme, that this scheme was continuing. Those are three good reasons why victims, even with the full knowledge and recognition that this was not an amnesty, may be offended, hurt, wounded and betrayed by the fact this scheme went ahead.

But that was not the question I asked, Owen, with all due respect. I asked whether you ever thought to ask about the mechanism of communication between the Northern Ireland Office and those in receipt of that assurance or comfort. Did you ever think to ask how that was being communicated?

Mr Paterson: I knew my officials were talking to Sinn Féin; that was what I had inherited. That was the system that had worked through the whole period that the scheme had been in operation.

Q2708 Naomi Long: Did you work on the presumption that it was verbal? Are you saying you simply assumed that these were verbal reassurances?

Mr Paterson: I knew there were telephone calls or meetings. It is a good point. I cannot remember when I found out there were letters.

Q2709 Lady Hermon: You must have known there were letters. Please.

Naomi Long: This is absolutely critical.

Chair: One question. Can I also point out that we have spent half an hour and only had two people questioning so far. I have the entire Committee to bring in.

Naomi Long: It is a very important point.

Chair: It is indeed, but I have to get everybody in.

Q2710 Naomi Long: It is almost inconceivable that you would not have asked how the communication happened, but what I want to know is: were you not curious?

Mr Paterson: No, because my officials were talking to the political parties the whole time.

Q2711 Naomi Long: To be fair, this was not communication with political parties.

Mr Paterson: I should not have to say, “Did you make a phone call? Were you on a mobile phone? Did you send an email? Did you send a fax? Did you go and meet them and have a cup of tea?”

Q2712 Naomi Long: These were reassurances not being given.

Mr Paterson: You are not being realistic.

Chair: Can we have a question and an answer?

Mr Paterson: I did not get into that sort of detail, no, because I knew my officials were responsible and were talking to the political parties on a regular basis. How they communicated I left to them.

Q2713 Naomi Long: I would accept the issue of how they communicate with other political parties is a reasonable thing to leave to officials, but this was about the communication specifically in relation to those who had sought information as to whether or not they were wanted by the police. It was being communicated very specifically not to political parties but through political parties to those people. I would have thought there would have been a responsibility to know how that communication took place. You say you did not inquire about that, and I accept your word on that. At what point are you aware that you became

aware of the letters? At what point have you recognised that there were indeed letters? What was your first knowledge of there being these letters that were being issued during your time?

Mr Paterson: It would have been soon after I came into office, but I cannot remember exactly when.

Q2714 Naomi Long: Did you ask to see any of the letters?

Mr Paterson: No.

Q2715 Naomi Long: You were not curious about their content and structure.

Mr Paterson: No, because this had become a routine matter conducted by officials on a regular basis.

Q2716 Naomi Long: Not for you as a new Minister.

Mr Paterson: But I had a lot of other things on that were a lot more pressing. Do not underestimate the real issues we were facing: a severe problem with dissident Republicans and convincing colleagues back here in the Treasury that we needed a lot of money; we had to handle the Bloody Sunday report. Those were the issues pressing on me. Given the fact I had inherited this, which was obviously winding down and was part of the established process, and, as far as I could see, had run pretty smoothly until Downey, this was not high up my priority list.

Q2717 Lady Hermon: Shocking.

Mr Paterson: Can I just pick that up? What was shocking?

Lady Hermon: It is shocking as Secretary of State—

Chair: Order, order. We have a full Committee here and we have had two questioners in half an hour. If we go on like this, we will be here all night, so we have to stay reasonably disciplined.

Q2718 David Simpson: I will be disciplined. You are very welcome, Owen. Earlier you used the word “conspiracy”. I think you used that word at one time.

Mr Paterson: What did I use the word “conspiracy” about?

David Simpson: We can check *Hansard*. You used the word, but I do not know in relation to what.

Chair: I think you said that something was not a conspiracy.

Q2719 David Simpson: Yes, it was not a conspiracy, but you used the word “conspiracy”. *Hansard* will be able to tell us in relation to what you used that word. In the history of Northern Ireland there have been a lot of conspiracies over the past number of years. Ministers in previous Governments have said they would never speak to Sinn Féin; it would turn their stomach, and there were behind-the-door deals. You can understand the reaction of political parties who, as Naomi has pointed out, were never told of these letters. You have mentioned Sinn Féin: Mr Adams, Mr McGuinness and those guys. They are the Provos. They are Sinn Féin politically, but they are the Provos. That is the full story. You mentioned 45 letters or cases being processed when you came in. Did you get the idea from Gerry Adams that this on-the-run stuff was really a deal-breaker? They would have walked away from the process if they had not got these. They did not get a full amnesty, but they got on-the-run letters and 13 royal pardons, which is an absolute scandal. Do you think that was a deal-breaker for Sinn Féin? Would they have walked away? Was that the concern of the Government, and that is why you let the other 45 go through because it was going to be a deal-breaker?

Mr Paterson: At the time I came along it certainly was not, but I cannot comment on what the preceding Labour Secretary of State was faced with when negotiating. By the time I came in it obviously was not a deal-breaker; it was a constant irritant. None of us knows what happened in the talks at Weston Park, but obviously the Sinn Féin interpretation was that this was a scheme that went a lot further than actually happened, and an awful lot further than we would ever have dreamt of going. I cannot comment on what the state of play was during those talks and how critical it was to get this through, but we know that on-the-runs was a major issue during the talks. All political parties must have known about it. It was mentioned in Eames-Bradley; it was mentioned in the Policing Board minutes.

Q2720 David Simpson: But we have the scheme and the letters. Referring to the Hallett report, in her announcement to the House yesterday⁴ the Secretary of State said that this process, scheme, letters—call it whatever you like—was not a secret situation or pact, yet no political party other than Sinn Féin was told about this when the negotiation was going on. No Loyalist organisations, or the leadership of so-called Loyalist groups or political parties, were engaging in this. The argument might be that they did not ask for it, but it was one-sided; it was to placate the Provos—end of story.

I am going to ask you the same thing I have asked nearly everyone who has come here. This is a point I find astounding. In her answer to me yesterday, the Secretary of State talked about the breakdown of communications, which is a load of nonsense. If you have senior officers within the PSNI or, at the beginning, the Royal Ulster Constabulary, they were not briefed on these letters, so they were not told about them. All of them who have given evidence to us have said they knew nothing about letters going out to on-the-runs. In Drew Harris’s words⁵, based on intelligence the letters went out to individuals who could be

⁴ Theresa Villier’s statement to the House of Commons on 9 September 2014 can be found here: <http://www.publications.parliament.uk/pa/cm201415/cmhansrd/cm140909/debtext/140909-0001.htm#14090934000562>

responsible for scores of horrific crimes. As a former Secretary of State, do you not find it astounding that senior officers within the security forces were not told about these letters?

Mr Paterson: Yes. When I read that I was genuinely very surprised.

Q2721 David Simpson: Why do you think they were not told?

Mr Paterson: That is for you to find out from within the PSNI. As far as I was concerned, there was regular discussion between my officials, PSNI officials, the prosecution service and Sinn Féin, and it was conducted at a pretty low level. This was a pretty routine operation by the time I turned up. As I have said to Sylvia, this was drying up at the end of it. I cannot answer your original question about whether this was a deal-breaker. You have to go back to the Labour Secretary of State who set it up, and you have to go back then as to why it was set up in such a way that everybody did not know about it. I find it quite hard to believe that a lot of people did not know. It was mentioned in Eames-Bradley and the Policing Board minutes, and it was a huge issue for Sinn Féin during the talks.

Q2722 David Simpson: There is a difference. As you rightly say, you do not know why it was called a scheme or process. We are talking about the letters.

Mr Paterson: You asked me the question. I am very surprised, yes.

Q2723 David Simpson: The letters were not mentioned in Eames-Bradley⁶ or anywhere else.

Mr Paterson: I am surprised they did not know at a senior level that letters were being sent out. Yes, I am surprised.

Q2724 David Simpson: Why would it have been held back? Was it the case that if senior officers within the PSNI, or RUC, had known about these letters it would have been exposed and there would have been a political hoo-ha and major crisis?

Mr Paterson: You have to talk to the previous Secretary of State who set it up.

⁵ 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>

⁶ 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

Q2725 David Simpson: You will know that we had Jonathan Powell with us⁷. We had two hours of—

Lady Hermon: Useful information.

David Simpson: In my interpretation, it was two hours of misery. Apart from that, he refused to apologise for the letters being sent out. The other day the Secretary of State sat there in the Chamber and apologised for the letters going out and the hurt that it inflicted on the victims of terrorism in Northern Ireland who, as I have said previously, in effect may never see justice for what was done. Do you join with her in apologising for all the mistakes—call them what you like—forced on the victims because of the whole process?

Mr Paterson: The only victims who we know definitely suffered from this are those involved with the Downey case, because that was absolutely shocking. That was a mistake. In the course of your question you make out that these letters have meant people have got off the hook. They have not. I was absolutely clear all along that these letters gave people only a statement of fact and, should further information come in, the force of law would prevail. If you compare this scheme with the licensing scheme, where people who have been convicted of the most horrendous crimes having been through the full process, I think it is worth keeping it in perspective.

Q2726 David Simpson: I am sorry for cutting across you. If the people who received these letters are so innocent and it was just a matter of fact, why is it that some have gone on the run again? The information we have received is that some of them have scarpered again. Why would you do that if you were an innocent just away for a holiday, or something? The bottom line is that this process has inflicted pain and torture on victims again. We can twist words all we want. For those in the Enniskillen bombing, Darkley and right across the board, this has opened old wounds. It takes a lot of time to get over these things. That is the fact. Are you saying that you will not join with the Secretary of State and you will take the same line as Jonathan Powell and not apologise for what has happened?

Mr Paterson: I think anyone involved would apologise for the mistake—I do not know if it happened on my watch—of the mis-transmission of information about Downey. That is awful, but I am quite clear that no case could have been stopped from going to court by these letters if further information had come forward. Therefore, any raking over of the past is awful for victims. We should always think of the victims when we are discussing anything to do with the past. I spent a huge amount of time in Northern Ireland on the past. This whole meeting today rakes it up and brings back all the agony, but the only particular case I can think of where victims have real reason to be aggrieved, on the ground that someone may not go to court and may not go to jail, would be the Downey case.

⁷ The transcript of Jonathan Powell's oral evidence to the Northern Ireland Affairs Committee on 8 September 2014 can be found here:

<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/northern-ireland-affairs-committee/administrative-scheme-for-ontheruns/oral/12393.html>

David Simpson: When we look at the pardons and letters, the last people who were thought of were the victims. It was politically expedient to do a deal with Sinn Féin to keep them on board. I am sorry, but that is my view.

Q2727 Chair: As a Committee we have struggled not with what you or Theresa Villiers have said but that previous Secretaries of State have made out that the whole thing was so crucial and yet these were letters to supposedly innocent people. We are struggling to bring together those two statements. That is the background to some of the questions.

Mr Paterson: Your inquiry is very interesting, but I cannot comment on the problems facing the then Labour Secretaries and the solution they came up with.

Chair: Bringing those two things together is what is motivating a number of the questions.

Mr Paterson: There are a lot of very messy details to the agreement.

Q2728 Kate Hoey: Owen, thank you for coming. I appreciate that you came in at the end of a lot of this process, which is perhaps why you do not understand the detail in the sense some of the other Secretaries of State we have seen would have. When did you first hear the name Downey?

Mr Paterson: The case?

Kate Hoey: Yes.

Mr Paterson: This year, whenever it blew up.

Q2729 Kate Hoey: When the court case came up. It had never crossed your desk; nobody had ever mentioned that this case was coming up.

Mr Paterson: No.

Q2730 Kate Hoey: Do you feel automatically as a former Secretary of State that you have to be absolutely 100% loyal to the officials in the Northern Ireland Office, either the ones you worked with personally or those who were there over the previous 10 years?

Mr Paterson: If they did a good job, you should be loyal to them.

Q2731 Kate Hoey: You think the Northern Ireland Office, in all of what you have read so far and what we have been going through in this Committee, have done a good job.

Mr Paterson: On this particular issue—I can speak only for the officials working for me—they carried out instructions effectively.

Q2732 Kate Hoey: In terms of the fact that letters would go out, not the genesis of the scheme, who took responsibility for that? In your own mind, tell us who you think was responsible for saying, “We have to sort this.” We know there was a lot of discussion, but who made the decision to send letters out? As you know, the first two were signed by Jonathan Powell.

Mr Paterson: Again, you have to go back to the Labour Secretary of State to ask who agreed the letters. By the time it got to me it was quite a low-level activity conducted by officials in my Department talking to PSNI officials and the prosecution service officials. It was done entirely at their level. There were regular meetings with Sinn Féin saying, “Where are we with the on-the-runs?” We would say, “We have looked at the list.” As I said right at the beginning of my comments, we were getting nowhere. We were going round and round, because we had basically sent letters to those who were going to get a letter and those remaining were badly wanted, and still are.

Q2733 Kate Hoey: But Secretaries of State change; officials on the whole do not change quite as quickly. Some of the officials we have seen were involved from the very beginning and there have been gaps. Are you surprised that the letter to Downey⁸ was signed by an official, Mark Sweeney?

Mr Paterson: No, because I do not remember seeing a single letter. These were all done by officials.

Q2734 Kate Hoey: When you were Secretary of State how often did you get a letter from the Attorney-General? Would you have remembered if you got a letter to you, as Secretary of State, from the Attorney-General telling you something? He would not write to you if he did not have something important to tell you.

Mr Paterson: That would be quite significant. Discussions with our Attorney-General here I obviously have directly.

Q2735 Kate Hoey: If he had sent a letter to you, you would have remembered it.

Mr Paterson: Yes, most certainly.

Q2736 Kate Hoey: So does it surprise you that a previous Secretary of State, Peter Hain,⁹ does not recall a very important letter that came from the Attorney-General¹⁰ to him just over

⁸ A link to the letter from the Northern Ireland office to Mr John Downey of 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>

⁹ The transcript of Peter Hain’s oral evidence to the Northern Ireland Affairs Committee on 18 June 2014 can be found here: <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/northern->

a year before the Downey letter went out, which actually named other people that we do not have the names of, and said that Downey was wanted for serious—

Mr Paterson: I cannot comment on Peter Hain's memory. You really have to ask him.

Q2737 Kate Hoey: I am not asking you to comment on Peter Hain. With respect, I am asking you this, Owen: if you had received a letter from the Attorney-General you have said you would remember it. Do you find it surprising that a Secretary of State did not remember a letter that was sent to him directly from the Attorney-General, copied to officials, including the person who signed the letter to Downey just over a year later, saying very specifically that Downey was wanted for serious terrorist offences?

Mr Paterson: I just cannot comment on that because I have no idea what the volume of letters he was getting from various people was at the time. Perhaps there was an enormous amount of legal activity and he was getting a lot of advice. In my case, there was not a lot of activity involving the Attorney-General. I am not in a position to make a value judgment on that at all. He was in the thick of a lot of negotiations at a different time. There may have been a lot of activity that required letters to come in from legal people.

Q2738 Kate Hoey: Do you think it was surprising that that was not in the Hallett report?

Mr Paterson: What was not in the Hallett report?

Kate Hoey: That Lady Justice Hallett, given all the investigations in her wonderful report, which everyone is saying is so marvellous, did not have the evidence that showed the Attorney-General had written to the Secretary of State just over a year before the Downey letter was sent out and copied in to that were all the members of the Northern Ireland Office, including the person who finally signed the letter. Do you not think it surprising that that was not in the Hallett report?

Mr Paterson: You are asking me for subjective judgments on things that I am not really qualified to talk about. I do not know what papers were made available to Hallett; I do not know how much time she spent on it.

Q2739 Kate Hoey: Did you see her?

Mr Paterson: I did not see her. I got the report, which I think is a very good piece of work.

ireland-affairs-committee/administrative-scheme-for-ontheruns/oral/10658.html

¹⁰ 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>

Q2740 Kate Hoey: She did not talk to you; she did not see you.

Mr Paterson: No.

Q2741 Kate Hoey: When you were briefed about this, you were told about it and you knew about the letters then. According to what you are saying, the only other people who definitely knew about it then—you think some other people might have known—were yourselves in the Northern Ireland Office, the Irish Government and Sinn Féin.

Mr Paterson: I assume more people knew that there was a resolution to the OTR problem, because it must have been such a fraught issue through the talks. David Trimble made a very sensible suggestion.

Q2742 Kate Hoey: He also said he was deeply hurt by the fact that he had not known anything about it.

Mr Paterson: I find it incredibly hard to believe people did not know this was going on, because it was mentioned in Eames-Bradley, as I mentioned before. It was known that there was a resolution. It is pretty well described in Hallett: it was not secret, but it was not publicised. I think you all know perfectly well that there are lots of issues in Northern Ireland, given the sensitivities, that are not publicised.

Q2743 Kate Hoey: But the Irish Government seems to know everything, so can you understand why people in the pro-union community feel all the time that there are stitch-ups going on all the time between the British Government, not representing necessarily the pro-union people, and the Irish Government representing the nationalist population. They know everything and the vast majority of Northern Ireland people are left in the dark, unless you are a member of Sinn Féin.

Mr Paterson: That was a fairly frequent comment when I was in Northern Ireland, but I think we should value the enormous role the Irish Government have played in recent years in bringing Northern Ireland to where it is.

Q2744 Kate Hoey: Do you think they should now be investigating again the names they put forward in this list?

Mr Paterson: I was not aware that they gave any names. The names given to my officials always came from Sinn Féin, as far as I am aware.

Q2745 Kate Hoey: Before your time?

Mr Paterson: I do not know.

Q2746 Lady Hermon: Four names were given by the Irish Government.

Mr Paterson: You would have to ask the then Secretary of State.

Q2747 Kate Hoey: Do you know anything at all about royal pardons? Did that ever come across your desk, or in your correspondence?

Mr Paterson: I raised that yesterday in the statement. I think there have been three applications for royal prerogative of mercy, and they have all been turned down under this Government. I made a point yesterday, which shows that we emphatically do not believe in any sort of amnesty.

Q2748 Kate Hoey: Did you ever hear any rumour that Gerry Adams or Martin McGuinness had been given a royal prerogative mercy or pardon of any kind, or told they would never be prosecuted?

Mr Paterson: No.

Q2749 Kate Hoey: Gerry Kelly.

Mr Paterson: No, none of them.

Q2750 Kate Hoey: Would you be surprised if they had been?

Mr Paterson: Yes. I touched on it earlier. Surely, the absolute monster in the room is the early release scheme, where people who have done horrendous things have been let out—

Q2751 Kate Hoey: Yes, but people voted; that is the difference, Owen.

Mr Paterson: To me, that is a far bigger step than this issue. What I do not quite understand—and I cannot judge the then Secretary of State—is why the OTRs did not go into that, which surely would have been another way of doing it—that they went through the early release process.

Q2752 Kate Hoey: Because Sinn Féin did not want it because they did not want the Armed Forces involved.

Mr Paterson: I was not involved in those negotiations.

Q2753 Oliver Colvile: First of all, thank you very much for coming to see us. I have never been a Secretary of State or Minister, so this may sound particularly odd. When you arrive in your Department you have a briefing on what is going on within it. Does anybody keep notes as to what comments you may or may not have made during the course of that? Would it be possible to identify the people who actually briefed you on this?

Mr Paterson: A feature of being a Minister is that someone takes notes the whole time. What happens to those notes I am never quite sure. Obviously, there is a huge amount of typing going on in the private office with people beavering away taking minutes. There probably are records.

Q2754 Oliver Colvile: If we wanted to, we could ask the Northern Ireland Office to deliver any briefing notes that may have been made when the new Minister comes in.

You did not see the letters at all, which I can quite understand. Eventually, Downey came back to this country on 19 May 2013, and it was all over the national press. Even I remember it, and, believe me, I have a shocking memory for such things. You did not think to yourself, “That’s very interesting. I wonder what that was all about,” because he said, “Excuse me, I’ve got these letters which get me out of jail free.” It did not register with you. It may not have done, because you were the Secretary of State for Environment.

Mr Paterson: I had quite a lot of trouble with floods at the time and I had an eye go wrong, so I might have been otherwise occupied.

Q2755 Oliver Colvile: That is absolutely fine, but it was a big national story; it was on the nine o’clock news and thing like that. I can certainly remember it. Why do you think it was that the Northern Ireland Office ended up signing and sending these letters rather than asking the Crown Prosecution Service to do it? To my mind, if there was not anything on these people I do not see why the Northern Ireland Office should do it rather than getting one of the people who are ultimately responsible in the Crown Prosecution Service to do it.

Mr Paterson: The key man you saw yesterday. I have not seen the transcript. What did he say? He is the man to ask.

Q2756 Oliver Colvile: He said exactly the same. He said, “I have no idea why. Nobody has ever asked me that question.” He had never thought about it. I was curious to know whether you had a view on it. When you had conversations with Sinn Féin, did you at any stage say to them, “And these are some of the people we would like to see back here”? Did you write any letters to anybody asking them, or do you think the Northern Ireland Office wrote any letters to anybody saying, “We would like these people to come back”?

Mr Paterson: No. It is pretty well described in Hallett that Sinn Féin would present a list of names, which were then reviewed, and those names, where there was no evidence that they had done something wrong, were told, “You can come back”, and those who did not

get a letter know perfectly well they are wanted, and are still out there now. Some of them are wanted for horrendous crimes.

Q2757 Oliver Colvile: You did not have any discussions with Sinn Féin about Rita O'Hare, did you?

Mr Paterson: I did not discuss any individuals.

Q2758 Oliver Colvile: One of the things Jonathan Powell discussed with us on Monday was that he was under some pressure to allow Rita O'Hare to come back to Northern Ireland and Belfast, and he said to them, "No, she can't do that." When he met her in Dublin he ended up by saying to her, "Don't come back because, if you do, you will be arrested." I find it incredibly strange that a senior official at Number 10 Downing Street tips off someone who has absconded from bail not to come back to this country when she is still wanted to answer for some of the issues that have been raised. You did not have any conversations about the future of Rita O'Hare and whether she could come back to this country.

Mr Paterson: No. She was and still is the iconic name. I remember when all of this blew up seeing on 24-hour news, or Sky television, Martin McGuinness by the Carson statue saying that, if there was an amnesty, Rita O'Hare would be back. She is the litmus test for the fact that this was not an amnesty.

Q2759 Oliver Colvile: I find it incredibly strange, as I say, that a senior Government official can end up saying, "Don't come back", when she is wanted by the state for that. Do you agree with me?

Mr Paterson: Absolutely, but, as I made clear in my opening comments, all sorts of things happened through the talks that we might not have done if we had been in Government and were horrible compromises, and people made some very difficult decisions. On the face of it, it is extraordinary to have a British official saying, "Don't come back, because you will be taken into custody and questioned".

Q2760 Oliver Colvile: There are others who may end up taking that up. All I wanted to say to you is that I think it is very important that all of us as politicians and as senior decision-makers—and decision-makers full stop—realise that we are not above the law and we have to accommodate within the justice system as well.

Mr Paterson: Yes, and I think that was something we went on about the whole time: that the rule of law had to prevail, so people could go through the whole process of law and then there could be a decision to reduce sentences, as happened with the licensing scheme, but everybody was subject to the law.

Q2761 Chair: Can I just come in on the point you made there about people who were requested letters and did not get the letters because they were wanted for questioning? That suggests then that Sinn Féin were putting people forward who were wanted. Jonathan Powell made the statement that those who had done something, Sinn Féin wanted amnesty for; those who apparently had not done anything, they wanted letters for. If people were being put forward who had done things, that is blurring those two, isn't it? It is removing the dividing line, in fact.

Mr Paterson: She has a very good description of the eight different categories. The simplest explanation, which I did say earlier, is that the Sinn Féin interpretation was very different from the interpretation that we inherited: that this was not an amnesty. They kept pushing as if it was, trying to get more and more people on the list. It is really important to stress there was absolutely no pressure at any stage. This was entirely left to the police and the prosecution service to decide whether they wanted to see these people. Whether Sinn Féin were stretching the rubber band of what was agreed, I just do not know, because I was not at Weston Park, but, at every meeting we would have, this difficult issue of on-the-runs would come up, and they would always be chiselling for more, and it was very unsatisfactory.

Q2762 Nigel Mills: I think we have been round most of the course here, but I remember, when you asked a question to the Secretary of State on one of the earlier statements, you said that you did not think there was a hint of a whiff of anything of an amnesty in this scheme. Having heard all you have heard in recent weeks and months, do you think this scheme is not as innocent as perhaps you thought then?

Mr Paterson: I am clear, apart from this hideous case of Downey, that I not aware of any cases where an individual who has received a letter has not therefore come under further scrutiny should more information have come forward, so I am quite clear about that. Nobody has given me a single example of that, but the Downey case—and we should not get away from this—is absolutely appalling. That was a mistake.

Q2763 Nigel Mills: But you are not concerned that perhaps some of the chaotic way this scheme was administered leaves it so exposed to errors that it now gives a hint that it was trying to give people some kind of assurance that really should not have been given in the first place.

Mr Paterson: No, because I have faith in what was the RUC and is now the PSNI to have done a proper job. They are very professional police forces and have great expertise in the sort of crimes that these people were alleged to have committed.

Q2764 Dr McDonnell: Owen, it is good to have you back here, and thank you for all you did for us when you were Secretary of State. I did not always agree with you, but I always enjoyed arguing with you. Thank you for the evidence; it has been in your usual frank and open tone. There is one thing I wanted to tease out with you, because it confuses me. I would see myself as one of the people that, if this was widely known, might have had some

hint, because I was here; I was Deputy Leader through all that period of the SDLP. It is this debate around: "People should have known". Would you accept, though, that people should have acknowledged there was something going on in the undergrowth, but they did not know there were letters; they did not know there were as many people going through the process, but they knew there were some understandings being reached? Would you accept that that might be a better way to depict the situation?

Mr Paterson: As I said, Justice Hallett described it very well in her report. For me, this emerged from all the murky negotiations and difficulties that we inherited, and there were dark areas that obviously were never discussed in public, without which having been resolved we would not have ended up with a settlement. I said right in my opening remarks I did not feel it was for me to start upsetting things. If we had had a horrendous Downey case then, you might have said, "Right, we are stopping the whole thing. Stop immediately the 45 cases." There was no justification for that.

This was a very low-key, routine issue being conducted by officials by the time it got to my stage. I acknowledged that it came out of, as I said, those very difficult years of negotiations, and I honestly hadn't a clue how much people like you, who were involved, knew. I just did not know. I assumed, because it was a very big issue for Sinn Féin, that people were aware it has been resolved in some way, and it was mentioned by Eames-Bradley and in the Policing Board minutes¹¹. I think she describes it very well. This was not a secret, but nobody went out of their way to publicise it; but nobody goes out of their way to publicise all sorts of things the Northern Ireland Office is getting up to in areas of security and everything else.

Q2765 Dr McDonnell: But you yourself have accepted, and indeed said, that the first you knew about it was when you came into office. How do we stack that up with a sense that everybody else should have known? That is my difficulty, because you are a very important guy. You were shadow Secretary of State. I would have thought that, if there had been any knowledge at all, you would have been getting some sort of reference or whatever. This is what a lot of people find difficult: the insinuation that people should have known, and that people somehow or other were making a fuss at this late stage. I think there is a difficulty there.

Basically, I would want to put on the record that, for my part and for those I am associated with, we did not genuinely know, and we were in no stronger a position than you were when you arrived as Secretary of State. You were in the dark, and you had the benefit at that stage of getting a briefing that the rest of us perhaps should have got and did not get. I understand, and I would compliment you, and indeed others who went before you, for the contribution you made in keeping peace going, and I am not disputing that. I think that is important, but I equally think that the issue here for me is that the secrecy around it compounded an already difficult situation.

Mr Paterson: Again, you would have to ask Shaun Woodward and get him in. He and I had increasingly regular meetings, one on one, as we got nearer the election, because it

¹¹ The minutes of a meeting of the Northern Ireland Policing Board held on 1 April 2010 can be found here: http://www.nipolicingboard.org.uk/1_april_2010_meeting_in_public.pdf

was fairly obvious the election might have gone in a direction which it very nearly went; we did not quite win. He and I would sit down. I remember clearly the big issues we were talking about were security, what we were going to do about Saville, some other more fraught issues. That is probably why he did not tell me, and I am absolutely convinced he did not, because I would have told my then shadow Minister of State, who also does not remember. I think my answer is that you will have to ask him; you will have to get him in, but say we had 45 minutes together; we would go through the priorities. This was not a priority issue by then for him to tell me.

Q2766 Chair: May I just confirm I certainly did not know anything about it as shadow Minister? I shadowed the late Paul Goggins, who was an excellent Minister and did share a lot of information, but certainly there was no sharing of this information at all. I can confirm that.

Q2767 Lady Hermon: I will come back and ask you, Owen, about your knowledge of these letters. Can I just ask you some basic questions? Let's just try to establish some facts as we go along, because I am quite confused about the evidence. There has been quite a lot of contradictory evidence given this afternoon. I appreciate there is some distance between you and being Secretary of State for Northern Ireland, but you spent—and I pay tribute to you for it—an enormous amount of time in Northern Ireland as the Opposition shadow spokesman on Northern Ireland, and then subsequently as the Secretary of State, so I would expect you to have very clear recollections of that period of time. First of all, when did you read the Hallett report? It was published on 17 July.

Mr Paterson: Whatever the day was, I was given the pre-briefing the day it came out, when we did the statements.

Q2768 Lady Hermon: So you read it from cover to cover.

Mr Paterson: Pretty rapidly.

Q2769 Lady Hermon: What is confusing is in fact you have repeated in response to Alasdair what you said at the very beginning of this meeting: that you cannot recall at all having any briefings about the OTR scheme while you were in opposition. You said quite clearly to us that the first you knew about it was when you were first the Secretary of State for Northern Ireland. Am I correct? Is that fair?

Mr Paterson: Yes, I have said that about three or four times. I am happy to say it again.

Q2770 Lady Hermon: Absolutely, so let me just read to you what you said. What did you rate the Hallett report as? You said it was a good piece of work.

Mr Paterson: Yes, I think it is a good piece of work.

Q2771 Lady Hermon: Right, thank you very much: “It is a good piece of work”. I will just read to you one of the passages from the Hallett report, because I am intrigued by the fact that you knew nothing about this scheme when you came into office in 2010. I would ask you to turn to page 144, paragraph 10.64. It refers to parliamentary replies from the then Secretaries of State, successors in time, and that was Peter Hain and John Reid. I am curious that you describe the Hallett report—and I have no reason to doubt what you said—as a good piece of work. Lady Justice Hallett, in her report at 10.64, concludes that Dr Reid gave a relatively full explanation of the administrative scheme in 2002¹². That is the claim in the Hallett report. The scheme was piecemeal fed in little bits and pieces, drip-fed to the general public, and certainly drip-fed in parliamentary responses. The letters were absolutely secret. So were you conscious and aware that Dr Reid had actually given a relatively full explanation of the administrative scheme in 2002 in response to a Parliamentary Question?

Mr Paterson: No, because I had nothing whatever to do with Northern Ireland then.

Q2772 Lady Hermon: No, so you were not aware of the scheme until you came into office, okay, and you were then briefed by your officials. You have referred to the Eames-Bradley report and the minutes of the Policing Board. Did the Hallett report, the Policing Board or Eames-Bradley use the words “administrative letter sent to OTRs”? Not once, Owen. You have read the report. The letters were kept secret. The letters were kept secret, and that is very significant. In an earlier intervention, I just was truly shocked, because you were so diligent in coming to Northern Ireland. I am truly shocked, and you talked about OTRs, and you described them as such a fraught issue, but you have, on a number of occasions, told this Committee—and I am just reading to you here what you said—“I didn’t see a single letter”. Is that correct? You did not see a single letter. Is that correct?

Mr Paterson: No, because, as I have said, this was a routine issue handled by officials in the NIO with officials in the PSNI and in the prosecution service.

Q2773 Lady Hermon: So you are confirming to the Committee that, in 2010, when you became the Secretary of State for Northern Ireland after the coalition came into government, you never asked to see a letter; that you never saw a letter that had been sent out.

Mr Paterson: No, because this was a—

Lady Hermon: Are you confirming that?

Mr Paterson: I have said it three times already. I will say it the fourth time. I am completely clear that this was a routine matter; that, by the time I came in, it was in its final stages and it was handled by officials entirely. Now, as to how they

¹² 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.html_sbd2

communicated—because I think Naomi asked me the question—I did not bother to ask whether it was a phone call, a meeting over a cup of tea, an email or a letter. That was down to the officials to communicate, and, from my point of view, this was not an overriding priority because these were statements of fact that did not stop people being brought to due trial in a court of law should further information come forward.

Q2774 Lady Hermon: Thank you very much indeed, Owen. That brings me nicely to the next questions. How on earth can you sit there and be so confident that these letters were statements of fact that, should some fresh evidence come to light, these people would be recalled and prosecuted? How do you know that when you have just told us for the fourth time—you have counted the number of times you repeated it to the Committee—you have never seen one of those OTR letters before they were sent out? How can you also, at the same time, claim that they were simply statements of fact? You have just said that again.

Mr Paterson: Because I already answered a question that I trusted my officials to carry out instructions and to inform me correctly.

Q2775 Lady Hermon: So when did you first see a letter that had been sent out while you were Secretary of State—sent out in your name, Owen?

Mr Paterson: No, I did not see a letter.

Q2776 Lady Hermon: You read the Hallett report. There are copies of letters sent out. Were you the Secretary of State for Northern Ireland on 18 August 2010? Can you confirm that you were? Were you the Secretary of State for Northern Ireland on 20 October 2010?

Mr Paterson: What page are you on?

Lady Hermon: These are at the end of the Hallett report. It goes on from page 233 to 234, and lists an extensive number—in fact 25—on-the-runs in that particular letter.

Mr Paterson: Yes, and it says the official at the top who signed the letter, so why would I sign a letter written by someone else?

Chair: Sorry, can we be clear what the question is? I am not clear.

Q2777 Lady Hermon: The question is that these very important letters that were sent out while Owen was the Secretary of State for Northern Ireland were sent out listing at least 25 OTRs—that seems a very significant number—on 16 August 2010, and, again, there was another letter that was sent out, saying that they were not going to get an OTR letter. These were done in the name of the Secretary of State, but they were sent out by officials and you never saw them.

Mr Paterson: But officials send out letters on behalf of Departments in their thousands every day. That is a letter sent by an official—it says here “Deputy Director”—on behalf of the Department. There is nothing new about that.

Q2778 Lady Hermon: You never thought to ask to see a copy of them, but you are adamant that these had statements of fact in that, if there was new evidence, these people could have been charged.

Mr Paterson: No. Ministers would simply cease to function if they insisted on seeing every letter written by every one of their officials. It is simply not a realistic request.

Q2779 Lady Hermon: Could I just come back to the fact that you did not disclose any of this to the leader of the Ulster Unionist Party, the leader of the SDLP, the leader of the Alliance Party or the First Minister? I could not speak for the Deputy First Minister, since he is Martin McGuinness, the deputy leader of Sinn Féin, whom I am quite sure knew all about these OTR letters. Could you confirm that he did? Could you confirm that Martin McGuinness was present at the meetings when this issue was raised repeatedly?

Mr Paterson: No, this was nearly always Gerry Adams in Dublin. As we know how closely they work together, I am sure he was very well informed.

Q2780 Lady Hermon: So you chose not to mention this very controversial issue. You yourself have said it was a very fraught issue.

Mr Paterson: Hang on. You say it is controversial. At this stage, there were a small number of people; this was being handled at a routine level by officials, and I had satisfied myself very early on that this was a statement of fact. This is probably about the sixth or seventh time I am repeating this now. I established that these letters did not preclude potential criminals from being brought to justice, should further information come forward. Your questions are tendentious, because you are trying to make out that these letters were pejorative. These letters did not get anybody off the hook.

Q2781 Lady Hermon: Absolutely not. No, Owen, I totally refute that suggestion. That is not what I am doing. I am saying to you, given the significance and the controversial nature of on-the-runs—you have described it as a very fraught issue; those are your words, not mine, during the course of this evidence session—

Mr Paterson: It was very fraught during the negotiations. I think by the time it got to this stage, with so few still in question, it was not a major issue, but it was obviously a very controversial and difficult issue during the negotiations. That you have to go and talk to Jonathan Powell and the Labour Ministers about.

Lady Hermon: Please do not construe anything about my questioning to you. You are the witness, and I am here just doing my job to try to establish the facts around this scheme. That is what I am trying to do, Owen.

Q2782 Chair: Can I come in here? When it was established these were letters of fact, was any advice taken with the Attorney-General at that stage? Did you or your officials take advice? Presumably they had taken it earlier.

Mr Paterson: Yes.

Q2783 Chair: The reason I ask the question is I put it to Dominic Grieve¹³: what would happen if somebody came back waving one of these letters, and what constitutes new evidence? The question about what constitutes new evidence he did accept was a grey area, so I am just wondering how much advice Secretaries of State would have taken from the then Attorney-General about the status of these letters, because he now accepts that this was one of the difficulties of them.

Mr Paterson: Again, I think it is for a lawyer to answer that: what constitutes new evidence that is enough to get someone questioned by police and then possibly charged? I am not a lawyer to establish exactly what that evidence would be, but it was absolutely clear always that, should new evidence come forward and should it be enough to trigger a police investigation and a charge, that would happen. This is all incredibly controversial now because of the Downey case. At the time, it was not. I have to repeat this; it is really important. This was not a major issue when I came in.

Q2784 Chair: But the advice you were given was that these letters were just statements of fact. That was the advice you received.

Mr Paterson: Yes.

Q2785 Chair: And there would have been legal backup to that advice.

Mr Paterson: Yes, but it is really important, this caveat that, should further information come forward, these letters did not preclude people from being pulled in by the police, questioned if necessary, charged and tried. That is really important.

Q2786 Chair: The concern is it is a grey area, what constitutes—

¹³ 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>

Mr Paterson: Yes, but, in fairness, in all police investigations, it is always a grey area, isn't it?

Q2787 Lady Hermon: With the greatest of respect, Owen, it was not, as you say, a controversial issue by the time you came into office in 2010 because the rest of us did not know that these letters were going out. They had been going out since the year 2000. The first two letters were sent out by Jonathan Powell in 2000. It had been going for 10 years, and Sinn Féin knew that perfectly well. To use your words again, the vast majority of the on-the-runs had been dealt with, and the scheme was drying up; I am quoting you.

I want clarification, Owen, if you do not mind, please. You said at the very beginning of your evidence to us that there were a small number of OTRs; that was one reason that you gave. The other one that you gave—and I took it down very carefully—was that this was an issue of national security. That is your claim for the responsibility being kept here at Westminster, even though it was post the devolution of policing and justice to Northern Ireland. Those were your words. That is national security on what grounds—that these letters were going out to suspected terrorists? What is the national security interest in these people?

Mr Paterson: It was one of a number of issues that the Northern Ireland Office had continued through the period of policing and devolution, and it was treated as national security. That is how I think I would have treated it, because it would have been decided at the level of these very significant talks, which were really critical—Weston Park and the rest. This is really important. I have said this already; it is probably about the third time now. There was never mention, once, of giving this to the local Minister at that stage. It would have been incredibly unhelpful, actually. It really would have been unhelpful.

Q2788 Lady Hermon: As Naomi has already made quite clear, it is very difficult for the local Justice Minister, David Ford, to have asked, because he did not know the scheme was up and running.

Mr Paterson: There are a number of things the Northern Ireland Office was doing that he did not know about.

Q2789 Lady Hermon: Would you like to tell us more?

Mr Paterson: No.

Lady Hermon: That is a pity. That is an unfortunate throwaway line. It almost tries to justify the fact that the Justice Minister was kept in the dark, as was the First Minister.

Chair: We have covered this in some depth.

Q2790 Lady Hermon: Did the Attorney-General suggest or give advice to you—did you seek advice—that responsibility was kept in Westminster, within the Northern Ireland Office, on the grounds of national security? Did you ever seek that legal advice, Owen?

Mr Paterson: Yes. I explained that earlier. In summer 2012—

Q2791 Lady Hermon: No, go back to 2010. Did you have legal advice at that stage when you took on responsibility—kept responsibility, not took it on; kept it here. Did you take legal advice?

Mr Paterson: No. The Northern Ireland Office had a number of responsibilities related to national security, and I did not raise those with the Attorney-General. In summer 2012, I did, and I said, “We are getting nowhere with Sinn Féin. You and I agree there cannot be an amnesty. Is there any other way forward?” Having discussed it with him, we both agreed the best solution by then, as devolution of policing and justice had satisfactorily gone through and David Ford’s position was well established, was that it was appropriate to go to the local Minister.

Lady Hermon: That was in 2012. Could I just repeat my question?

Mr Paterson: I have answered that question already: no. Issues of national security that I inherited in 2010 I did not refer to the Attorney-General.

Q2792 Lady Hermon: So you are saying quite clearly that the OTR issue was an issue of national security, without the advice of the Attorney-General.

Mr Paterson: That is how I remember treating it, because it was one of what I call the fraught issues that we had inherited from all the negotiations conducted by the previous Government at Government level. I saw that as part of the agreement that came out of discussions with the Irish Government and the US Government. On those grounds, I would count that as a different level of activity.

Q2793 Lady Hermon: So, if you treated it as an issue of national security, does that not mean that you also treated the recipients of these OTR letters as suspected Republican terrorists? How else could it have been such as issue?

Mr Paterson: Obviously, yes. They were nearly all wanted, as far as I know, for terrorist activity. Obviously they were terrorists.

Q2794 Lady Hermon: That is very interesting. You were present yesterday for the Secretary of State’s statement in the House of Commons. I am just quoting from what Theresa Villiers said yesterday: “It would be a mistake to assume that all the individuals processed by the scheme”—I take it this is the OTR scheme—“were terrorists—that has not been established—but it has been established that mistakes were made in some cases”. Now,

isn't that interesting? The current Secretary of State does not hold to the view that all of these cases were those of terrorists. You are telling us today that you kept responsibility within the Northern Ireland Office on the basis of national security in that this related exclusively to suspected Republican terrorists.

Mr Paterson: I think the majority of these probably were suspected of terrorist crimes. I repeat again that this activity and the solution to the problem had emerged from the talks conducted at national level, and those were regarded as issues of national security. By the time we got two years on, things had changed a lot. That is why it was appropriate at that stage to hand the issue over to the local Minister.

Q2795 Kate Hoey: Can we just get back to the Downey case? Were you surprised when Dominic Grieve, the Attorney-General, decided not to appeal the case, given that it had such huge repercussions for all the other letters that had gone out and this almost-mantra that the letter did not mean anything if new evidence came up? Now, no matter what the Secretary of State said yesterday, the reality is that, if anyone is charged with anything, they will produce their letter.

Mr Paterson: Yes. I was appalled that someone who was wanted for such an appalling crime was able to escape the course of justice because of a mistake, but I am not a lawyer, as I have said several times in this meeting, so I cannot comment on Dominic's legal judgment.

Q2796 Kate Hoey: No, you are not a lawyer, but you are a public citizen. On a common sense—

Mr Paterson: Yes, I was appalled that this guy got off and avoided going through proper due process.

Q2797 Kate Hoey: Were you not surprised that, given such a crucially important case, the Attorney-General decided so quickly—well, he had to decide certainly within a period of time—not to appeal?

Mr Paterson: As I say, at the time, I was very busy on Defra activities and I had an eye problem, so I was not following this in nitty-gritty detail.

Q2798 Kate Hoey: Have you any advice to the relatives of those who died in the Hyde Park bombings about what they should do now?

Mr Paterson: Get really good legal advice and see if they can get justice through the courts.

Q2799 Kate Hoey: In terms of civil proceedings?

Mr Paterson: I am not a lawyer, but if there is good evidence that an individual who has committed a crime could be brought to court and could be sentenced for that appalling crime, it would be good to explore every avenue. However, it is pointless asking me questions on issues of law because I am not a lawyer.

Q2800 Kate Hoey: No, and the vast majority of the public are not either, thank goodness. That is why we get some common sense.

When you think how many millions of pounds were spent on the inquiry into the terrible shootings in Derry way back, do you think that the state should actually fund the relatives of the Hyde Park bombing to be able to pursue some of these legal channels, in terms of civil cases, which might involve extradition and so on of Mr Downey?

Mr Paterson: That was raised in a few cases when I was in Northern Ireland. That would set an enormous precedent and the state does not have bottomless coffers to pay legal fees.

Q2801 Kate Hoey: But this was a mistake made by the state, whoever was responsible. This was a mistake made by the state, where there was clear evidence, which had been put to the Secretary of State at that time, and someone was then sent a letter saying he was not wanted for anything.

Mr Paterson: I would hope that there would be a legal route, but you would have to take legal advice on that

Q2802 Kate Hoey: Can I press you on just one other thing? Do you not feel that you would like to apologise for all the mistakes that were made, even if they were not made on your watch?

Mr Paterson: I am quite happy to apologise if people have been hurt. The people who have been really hurt in this are those affected by the Downey case, because that was a clear mistake and was a direct result of a letter that went wrong.

Lady Hermon: Signed by a Northern Ireland Office official.

Q2803 Naomi Long: In terms of your time in the Northern Ireland Office, can you just outline for us your priorities during that period? How you would have ranked the various duties and priorities that you would have had during that time? Just roughly give us some idea of what would have been the things that you would have taken the most active interest in during your time in the Northern Ireland Office.

Mr Paterson: Obviously, the absolute prime responsibility was security. I worked incredibly closely with David Ford and we worked out a really good working relationship,

because it was a combination of working at national level and working at local level. One of the first things I did was to negotiate a significant sum of money from the Treasury, because the PSNI were under real pressure at that time. My second priority, which I had made a major play for before I became Secretary of State, having gone to Northern Ireland every week for three years as the shadow, was to turn the economy from an economy dependent on state activity to an economy dependent on private activity. Alasdair, you and I did several things together on that.

Q2804 Naomi Long: So your primary focus would have been on security. Given that you viewed this as a matter of national security, do you not think that with the benefit of hindsight that it may have been useful for you to take a more active and detailed interest in how these comforts were being communicated, and in the detail of the letters that were being issued in your name by your civil servants? I accept, of course, that no Minister—and I would doubt very many people—can view every bit of correspondence that is issued on their behalf when they are in such a busy environment, but given that national security was your priority, do you think with hindsight that it was a lapse that you did not oversee these particular letters? Also, given that, as you say, there were so few of them, that it would not have been particularly burdensome to have done so.

Mr Paterson: Emphatically not. There were really serious, horrible things going on. There were some very dangerous people planning appalling deeds. This was not a major issue; you have really got to get that into your heads. This was a scheme that had been set up by a previous Secretary of State, under very difficult circumstances. It is described as messy in here, but the overwhelming volume of individuals had been through the process. There were far more serious things going on when I came in than this. This was a routine issue being handled at a low level by civil servants in a competent matter. I could see nothing in this that was a serious threat. There were very, very active threats going on, and I had to address those rapidly and work very closely with David Ford on those. Those were far bigger priorities.

Q2805 Naomi Long: In terms of some of the individuals who would have received letters of comfort, for whom there was no evidence that would have required them to be brought back, there may still have been intelligence that those people were involved in these particular crimes. There may not have been evidence that would have warranted them being wanted, but there could have been intelligence that would have indicated that they were involved in some of these crimes. Therefore, would you not accept that your idea that this was in some way trivial or unimportant, given that it dealt with matters of national security and with intelligence information, is slightly disingenuous in terms of the overall picture that we are trying to build here?

Mr Paterson: No, because I was taking advice from extremely professional police and intelligence officers. I do not know how many times I have said this: there was the complete, clear assurance that if new evidence came forward, which gave the police concern, these people would be called in and if there was enough evidence they would be charged.

Q2806 Naomi Long: But it has of course been questioned quite robustly as to whether that clear assurance that you speak of is in fact not a clear assurance, and in fact, varied in the wording of the letters to the point that we are not sure as to how that assurance would be interpreted now in a court of law. You would accept that it is not the clear assurance that you refer to it as, in hindsight with the information that has become available.

Mr Paterson: No, I would not actually, because I am not aware of any case where someone has got off because of these letters. The only case—and we have been through this, and it is absolutely dreadful—is the mistake made over the Downey letter.

Q2807 Naomi Long: Are you challenging the judgment, then, of the current Secretary of State, who said that there could be errors in up to 38 letters, and that indeed none of them could be relied on for accuracy, in her statement to the House earlier this week? Are you challenging that notion?

Mr Paterson: No, because she is much better informed than I am, but I am unaware of any particular names of anyone or any letters. But she is far better informed. She has been Secretary of State now for two years and I have been doing Defra.

Q2808 Naomi Long: With respect, I did not ask whether you had names of people who may have evaded capture because of this. I simply asked: do you not agree that if there was intelligence information that linked individuals to these crimes, that would have raised this up your radar, given your priority was issues around security?

Mr Paterson: Yes, but I would have been told that by my officials, and by my security people.

Q2809 Naomi Long: But you clearly were not.

Mr Paterson: Yes, so there was not an issue. There were far more live issues when I came in than this.

Q2810 Naomi Long: You also stated that your officials dealt with it in a completely competent manner. Do you remain confident of that in light of the statement that the Secretary of State made, and in light of the Hallett Review?

Mr Paterson: I was confident at the time that the letters—

Naomi Long: I asked whether you remain of the view that it was competently handled.

Mr Paterson: But she is privy to a lot more information than I am. At the time I was confident.

Q2811 Naomi Long: Yes, but are you confident now?

Mr Paterson: I am not in a position to judge exactly, because she has now got fresh information that I am not privy to. If you want to address questions on the exact position today, you have to get her in and ask her questions.

Q2812 Naomi Long: Which we have done. I am simply saying that you have repeatedly stated that you are confident—“are” being the present tense—that your civil servants dealt with this in an entirely competent manner.

Mr Paterson: Yes, I am.

Q2813 Naomi Long: How can you remain confident in the present that that is the case, when someone, who you have just acknowledged is across the detail much better than yourself at the moment, has not got that confidence?

Mr Paterson: You need to get her in to ask her the question of why she is not confident.

Q2814 Naomi Long: No, you need to explain the basis for your confidence.

Mr Paterson: At the time, I was very happy that this was a low-key issue; it was being handled on a regular basis; it had been going on for several years; it had pretty well run its course; it was not a major issue. I was confident it was handled, at the time, by competent officials, effectively. If new information has come forward since I have left the Northern Ireland Office, you have to address those questions to the existing Secretary of State, because she is a lot better informed than I am.

Naomi Long: And we have done so.

Mr Paterson: We can go round and round on this one. I cannot comment on what has come out recently because I have not seen the paper.

Q2815 Naomi Long: The point I am making is, in your evidence today, you have said that you are confident that they did that—not that you were confident at the time that they were doing it in a competent manner, but that you are currently confident. It is reasonable, therefore, to ask you what you base that confidence on. That is not a question for the Secretary of State. She has already made it clear that she is not confident that that is the case, but you have said that you are—in the present tense—confident that that is the case. So I am asking, on what basis you have that confidence?

Mr Paterson: We are going to go round all afternoon. I am confident—

Naomi Long: It is not a circular argument. It is a very simple question.

Mr Paterson: It is pointless chasing me up on information to which I am not privy. I do not know what new information has come forward.

Q2816 Naomi Long: So you have no basis for the confidence you have expressed.

Mr Paterson: No, I am confident that at the time that I was Secretary of State, up to 2012, this low-key issue was handled competently. I have had no information since that I have seen, because no one has sent me any letters and no one has given me a briefing on this, that it has gone horribly wrong under my watch. Now, that might be the case, and the current Secretary of State may have a lot more information than I am privy to, in which case you want to get her in and ask her.

Naomi Long: Chairman, I know that if I felt it might have gone horribly wrong on my watch, the word that I would choose for my current state of mind would not be “confident” about the competency of issues, but I think I will leave it there because we are not going to make any progress.

Chair: I think we have pretty well exhausted our questions. Mr Paterson, thank you very much for being with us, and moving us on significantly. Thank you very much.