



Northern Ireland Affairs Committee

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

Tuesday 4 November 2014 (Morning Session)

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Members present: Mr Laurence Robertson (Chair); Mr David Anderson; Lady Hermon; Kate Hoey; Naomi Long; Jack Lopresti; Dr Alasdair McDonnell; Nigel Mills; Ian Paisley

Questions 2935 - 3039

Witness: **Lord Mandelson**, former Secretary of State for Northern Ireland, gave evidence.

Q2935 Chair: We will open the public session. Lord Mandelson, you are very welcome. Thank you for joining us. I know you are fully aware of the inquiry that we are carrying out, and we have spoken to previous Secretaries of State and also the present Secretary of State to help us with our inquiry. Thank you very much for coming today. If you would like to, it might be useful, before we open up to the Committee for questions, to make an opening statement on the background to the OTR scheme.

Lord Mandelson: I am happy to do that, Chairman. The remarks that I would offer at the outset are these. While arguably it is true that the OTRs administrative scheme started in my time as Secretary of State for Northern Ireland, it was more procedure than a scheme we were using at that stage. It was the beginnings of a screening process that was necessary, but I did have to scope out the issue and establish the parameters of our policy in relation to OTRs, after I was appointed at the back end of 1999. I am going to describe that presently. After I was appointed and during the course of the year 2000, OTRs became a recurring feature of the Sinn Féin shopping list, if I can use that expression: things they were asking for that, in their view, would bolster the peace process and cement in republican support for it.

Of the other main items on this shopping list—I cannot remember them all—one very key one was security normalisation, i.e. the dismantling of the electronic security infrastructure, in the main close to the Republic. Another one was policing reform and the implementation of Patten. Another issue was flags. I think there were six issues all in all, and I cannot quite remember the last one or two. One of them very near the top was OTRs.

For me, the issue of OTRs started the very day I was appointed in 1999, and it focused on a single individual, Rita O'Hare. Mo Mowlam, as we exchanged roles, marked my card very strongly on this, saying that, in her view, it was essential that a solution be found for

Rita O'Hare. It eventually became impossible to extract this individual's case from the wider issue and treatment of OTRs.

Then during the year 2000, a list of OTRs who Sinn Féin wanted a solution for was supplied to me by Number 10, and this list subsequently grew during the course of the year. It was a long time ago, Chairman, but I have a sense that there were more at the end of the year than there were in the middle of the year. Politically, OTRs as an issue was very much on Number 10's radar but, as Secretary of State, I managed the issue in policy terms.

Simply put, and this was discussed in many meetings over many months that year, it was clear to me that it would have taken fresh legislation to provide an amnesty for those OTRs who, prior to prosecution and possible conviction for terrorist offences had left our jurisdiction. There was no other legal way around it in the very firm view of the law officers. The Attorney General personally made this very clear to me on a number of occasions when we met.

Such a course had not been agreed in the first instance by the parties to the Good Friday Agreement. They had agreed an early release scheme that would become operative in the middle of 2000, two years on from the Good Friday Agreement when, incidentally, it was also expected that, alongside the early release scheme of prisoners, there would be a start to the decommissioning of arms by the provisional IRA. Given the circumstances and given that the issue of an amnesty had not entered or been agreed in the Good Friday Agreement, it would have been impossible, in my view, to introduce such legislation so soon after the agreement's original signing. I advised the Prime Minister that it was neither sensible nor, in my view, viable for us to introduce amnesty legislation in 2000. I believe that it would have outraged public opinion, and not just in Northern Ireland, incidentally. It would have destabilised the peace process and, I believe, brought down the fragile devolved institutions we had succeeded in establishing by then. Indeed, my judgment was that such legislation providing for an amnesty would not have passed both Houses of Parliament, and I said so.

Instead, I did what I could in other ways to ease the issue of OTRs. For example, those who had served time in the north, escaped to the south and subsequently served further time there—but who, if they had stayed in prison in the north, would have been covered by the terms of the early release scheme—had their outstanding prison terms removed using the royal prerogative of mercy.

Q2936 Kate Hoey: Sorry, Lord Mandelson, when you say “the north”, do you mean Donegal?

Lord Mandelson: I was not making such a precise distinction.

Kate Hoey: Do you mean Northern Ireland?

Lord Mandelson: What I am meaning is the jurisdiction of Northern Ireland. As I said, if they had stayed in prison in the north, they would have been covered by the terms of the early release scheme and had their outstanding prison terms removed by the royal

prerogative essentially to bring them in line with the spirit of the early release scheme. This, I should underline, is not a pardon; it is a commutation of sentence.

I also ended the extradition proceedings for those individuals who were residing in the south and were wanted for return to prison in the north, but who, if they returned to the north, would have been released on licence under the terms of the early release scheme. Ultimately some of these individuals in the second category, who did not return to be processed by the Sentence Review Commissioners, following my decision and an announcement on extradition in September 2000, were subsequently assessed by the PSNI and the Northern Ireland Public Prosecution Service to be no longer wanted, because the evidence no longer supported their arrest. They were therefore written to by the NIO to inform them of this.

I was of course aware that these moves, welcome as they might have been, did not meet Sinn Féin's political needs, but the difficulty for me was that Sinn Féin was not the only party to the Good Friday Agreement. There were others with asks and sensitivities, and I had to be careful not to unbalance or, even worse, destabilise the Good Friday Agreement by appearing to favour one party on a matter that had not been part of the original agreement.

I knew we were also going to have to manage the large-scale release of prisoners under the early release scheme in July 2000. You will appreciate why this was particularly unsettling for victims' families, and I was worried about the emotional and political effect that this mass release would have, both on them as victims' families, as well as on others in the community. It was in any case, quite apart from the issue of OTRs, a tense, sensitive, fragile time in our implementation of the Good Friday Agreement.

Of course, by this time I was also aware that Sinn Féin were beginning to portray me as unhelpful in a number of respects, notably on my insistence on the decommissioning of arms by PIRA and my caution on security normalisation. I was reluctant, frankly, to appear unhelpful or overly rigid on other issues like OTRs and did, in my view, the best I could to meet the political needs and demands of Sinn Féin at the time without crossing lines of principle and the proper administration of justice.

Now, this situation became even more acute when Sinn Féin adopted the view that I was not fully implementing the Patten report on policing. This was quite untrue; I did implement the report but, together with my decision temporarily to suspend the devolved administration when an act of decommission had failed to materialise earlier in the year—indeed, we were able to get it back and running afterwards—you can see how the negative perception of me in republican nationalist quarters was building up.

That is all I would say by way of context. It fell to subsequent Secretaries of State to continue dealing with the matter of OTRs as best they could, essentially focusing on post-conviction OTRs or those for whom no prosecution was being sought. An attempt was made to introduce amnesty legislation in 2005 to provide for pre-conviction OTRs where prosecution might be sought, but this legislation, as you know, was aborted soon after. I would just point out, in conclusion, that none of those following me as Secretary of State was any more successful than I was in finding a magic wand to deal with the whole issue of OTRs. It was therefore not simply me being awkward or overly rigid, at the time, in the policy that I was following.

Q2937 Chair: Thank you very much for that very comprehensive background that you have supplied, Lord Mandelson. With regard to the letters that were written to people though, did you have any involvement with that?

Lord Mandelson: I remember two letters to individuals went out somewhere in the middle of the year of 2000. I am afraid I cannot remember the precise month.

Lady Hermon: June.

Lord Mandelson: June. I knew of those. I did not disagree with their being sent, but nor did I sign them.

Q2938 Chair: Who authorised it? Who started the whole thing though? If it was not you as Secretary of State, who put this together?

Lord Mandelson: I set the parameters of the policy, but the policy was in a sense conducted, as so much of Northern Ireland affairs were, between me and my officials in the Northern Ireland Office, and the Prime Minister and others in Number 10.

Q2939 Chair: You are aware that we have invited Mr Blair to come and speak to us. While he has not actually refused, he has found it impossible to find a date. You would feel that he would be a very important witness to this Committee.

Lord Mandelson: I am sure that, if he were able to come, he would.

Chair: It is important he does, in your view.

Lord Mandelson: I have never known any circumstances in which Mr Blair did not have something of value to add to a discussion.

Q2940 Ian Paisley: Thank you very much and you are very welcome. I am glad to see you here. In preparation for today's hearing, did you discuss anything with Tony Blair, perchance?

Lord Mandelson: No.

Q2941 Ian Paisley: Before you became Secretary of State in 1999, had you ever heard of Rita O'Hare?

Lord Mandelson: No.

Q2942 Ian Paisley: So when Mo Mowlam, as you put it, “marked my card”, did you do some research on her and find out the character of the individual?

Lord Mandelson: Yes, I asked for a briefing immediately.

Q2943 Ian Paisley: You knew that she was wanted for the attempted murder of a soldier?

Lord Mandelson: Yes.

Q2944 Ian Paisley: And various other serious and organised crime issues?

Lord Mandelson: Yes.

Q2945 Ian Paisley: You were effectively, in my words, being asked to help this person evade justice. As Secretary of State stepping into it, how did that make you feel?

Lord Mandelson: I would say that my consideration was balanced between the need to pursue and get justice, and demonstrate that properly to people who were on the receiving end of her actions, and, on the other hand, wanting to sustain the peace process to help ensure that there were no more Rita O’Hares in the future. That was basically the entire balancing act that you were conducting in so much of what you were doing as Secretary of State.

Q2946 Ian Paisley: I appreciate it is an incredibly difficult job but, in all of the correspondence, we have received a very heavy bundle of letters between you and the then Attorney General to Mr Blair and to Mr Blair’s special adviser¹. You are probably one of the most voluminous Secretaries of State, in that you did write a lot; you put a lot of material down and it was lengthy and very thought-out pieces of material. However, you seemed on the balance, to use your words, to be very strongly in favour of letting Rita O’Hare off. In your immediate correspondence—I think it is your first piece of correspondence—you said that this would help the Irish-American community, and if you went on with the prosecution, it would be “vindictive and inconsistent with the Good Friday Agreement and would undermine their support”. There are about four or five pieces of communication throughout that first year to the then Attorney General really pushing for Rita O’Hare to be let off, but there does not appear to be any mention whatsoever of victims or their needs in this, or indeed trying to get justice for the soldier that Rita O’Hare tried to murder.

Lord Mandelson: You need to understand that there was enormous pressure on me. It would have been irresponsible for me simply to disregard the issue, the pressure and what the republican leaders were saying to me about this, but nor was I writing these letters to

¹ Many of these letters can be found on the Northern Ireland Affairs Committee’s website:
<http://www.parliament.uk/business/committees/committees-a-z/commons-select/northern-ireland-affairs-committee/publications/?type=7&session=26&sort=false&inquiry=1589>

an innocent or somebody who was ignorant of these matters, in the case of the Prime Minister. He was not ignorant. He knew that I was bound to bring to his attention sensitive and complex issues, where I was being asked by a significant party to the Good Friday Agreement to take some views that, in their view, would cement in republican support for the peace process and make it easier to implement the Good Friday Agreement.

Quite reasonably from the republican point of view, they were thinking of this and approaching it in only republican terms, as if there were no other parties to the Good Friday Agreement and no others with contrasting views that, if you took such an action, you would make quite an impact, both on victims' families and the wider community, as I say. While it was certainly my job to bring this fully and properly to the Prime Minister's attention, which usually resulted in him asking me to have another meeting or another telephone call with the Attorney General, the Attorney General remained absolutely firm in his view, as John Morris had done before him and as Peter Goldsmith did subsequently. I also brought that firmly to the Prime Minister's attention.

Q2947 Ian Paisley: If as Secretary of State you had got your way, Rita O'Hare would have been released, because the balance of all the material that you were pushing up to the Attorney General and the Prime Minister was that it would be in the interests of the peace process for this person to be released. What I am saying is there was no pushback in your material to what Mo Mowlam and others told you. In the written word, there is no pushback, unless privately you were having conversations and saying, "Look, I am writing to you in these terms but privately I am saying this." Even in the private memos that we have seen between you and Jonathan Powell, you actually asked that Jonathan Powell would be circumspect in mentioning anything to do with legislation, because that would turn Sinn Fein off.

Lord Mandelson: Sorry?

Ian Paisley: This was legislation on the on-the-runs issue.

Lord Mandelson: I think Sinn Fein's preference was for it to be resolved and dealt with by some means of political magic wand.

Lady Hermon: Secretly?

Lord Mandelson: Secretly if need be, although I am not sure that Rita O'Hare would have secretly returned to Northern Ireland. I had a duty both to respond to Number 10's wishes to see this matter dealt with, but also to bring home to them that it could not and would not, because of the legal principles involved and given the Attorney General's position, be possible to do that, because she was a pre-conviction on-the-run. I did not see how, without legislation, you could or indeed should manipulate the legal system and risk bringing it into some disrepute by simply handing out some sort of "get out of jail free" card and a free pardon. It was not possible to do that, given the law and given the Attorney General's position.

Frankly, my own view is that if you start in a sort of makeshift and ad hoc way to rewrite important pieces and sensitive areas of the Good Friday Agreement, you would in doing

that be taking quite a risk with the agreement, the perception of the agreement amongst others in the community, and you would also risk causing the Ulster Unionist Party, for example, to withdraw from the institutions that we had had enormous trouble setting up in the first place.

Q2948 Ian Paisley: Would it be fair to characterise all of this voluminous correspondence as really about kicking the ball to touch and pushing it farther away, rather than actually trying to resolve it? Is that a fair characterisation of what you are saying?

Lord Mandelson: I was prepared to do what I could do. I was prepared eventually to use the royal prerogative. I was persuaded and fully prepared to stop extraditions but, for those who were in a post-conviction situation who had already served time, both in Northern Ireland and in the Republic, and whose treatment I thought could and should be made consistent with the spirit of the early release scheme, I did not think it was possible, without new legislation, to simply hand somebody a pardon and their freedom, without any legal process having taken place.

Subsequently, in 2005, the peace process was in a stronger and less fragile state than it was in 1999 and 2000. In later conditions and circumstances, I fully respect the judgment of other Secretaries of State that legislation could and should be introduced. It is just that, in my time—I was an early Secretary of State—I just did not think that it was appropriate, right and worth taking the risk, and, in my view, would almost certainly not succeed in getting through both Houses of Parliament. I repeated that view again and again.

Q2949 Ian Paisley: Finally, the victims of course are central in all of this, because they are the people who have had to suffer this and have had to swallow the final insult in how this matter became public. What measure of victims' feelings did you take from 1999 throughout this process? I have not been able to find any reference to victims, to victims' groups or to correspondence to them about how you would deal with this tricky issue.

Lord Mandelson: I can assure you that, when I was talking to the Prime Minister about the introduction of some sort of magic wand—some sort of process of pardoning or amnesty—I told him that not only would this go down extremely badly with many people in Northern Ireland, but that it would spark public outrage in the rest of the country. Of course the sensitivity and emotional state of victims were uppermost in my mind, but I was not confining my observation to them. In my view, the wider public would have found it very difficult, if not impossible, to digest at that time, given that it had not originally been part of the Good Friday Agreement.

The Good Friday Agreement was signed in April 1998. For over a year, it was almost stillborn; it was not implemented. It ran into the sand almost two days after the agreement was signed, and my job, when I was appointed by the Prime Minister, was to take a fresh initiative and bring my own skills and personality to bear, in order to implement the Agreement and get the devolved administration and the institutions up and running. That, with a colossal amount of help from George Mitchell, I did.

Yes, I temporarily suspended the institutions and the authority, but I did that at the end of January, because there was a firm and clear understanding—not written in stone, I accept—between me and Sinn Féin leaders that there would be some confidence-building measure or some element of decommissioning by the end of January. I had given an undertaking to the unionist members of the Assembly and the administration that, if PIRA did not fulfil their side of the bargain, I would suspend the institutions. I would take that burden of pain on to my back and not allow them to carry the can by having to walk out themselves.

I also believe that, if I acted to suspend the institutions rather than see the unionist side walk out, it would be easier to knit the whole thing back together and find a satisfactory basis on which the devolved authority and institutions could be restarted. That too is what we did, I think a month or two after.

All the time, you are dealing with a lot of pressure from Sinn Féin, which wants movement on this; they want a commitment on that; they want something done over here. You try, as best you can, to meet those political needs, but without crossing the line of principle in respect of the judicial process or so unbalancing the original agreement that it destabilises the unionist part of it. That was what was going on in my head, 24 hours a day, seven days a week. You never stopped thinking about it, assessing it: “Have I got it right? Am I being too rigid? Should I be more flexible? Should I push here? Should I do this if I can get a balancing concession on the other side?” That was what being Secretary of State for Northern Ireland was about.

Q2950 Ian Paisley: Do these ends justify the means?

Lord Mandelson: I am not quite sure what you mean by that. If you mean if those ends justified the limited action that I was able to take on on-the-runs, of course I believed it justified it, otherwise I would not have taken that action, either in respect of the use of the royal prerogative or the ending of extraditions later on in September of the year 2000.

Q2951 Chair: Given this was so important then, why was the on-the-runs issue not part of the Good Friday Agreement? There were other parts of it that were extremely unpalatable, as you have recognised. If this was so important, why was it not part of that agreement?

Lord Mandelson: I was not around at the time of the negotiation, but I am not absolutely sure it was such a prominent issue and was a big ask on the part of republicans during negotiation of the agreement. What they and everyone focused on was prisoners, and it was prisoners who became the subject of that provision, that part of the Good Friday Agreement, and we kept to it. We implemented it fully and faithfully.

Q2952 Chair: It subsequently became very important obviously.

Lord Mandelson: It did become important. Yes, it did become important. It was just one of those things where, perfectly legitimately, republican nationalist representatives were

trying to get me to see things from their point of view or go further in what I was doing because it would make their own position easier in relation to their own communities and electorates. I had to form a judgment all the time as to whether it was reasonable only to see things their way and to help them politically to cement their support for the Good Friday Agreement by helping them in this respect or that, or whether it was not such a good idea to do that or I was not able to go so far, because it would have unbalanced the rather complex agreement that was finally arrived at in April 1998.

Q2953 Chair: You quite rightly referred to the legislation that was introduced in 2005, but there was a draft Bill drawn up certainly during Dr Reid's time as Secretary of State. That draft Bill was not drawn up under your own tenure then.

Lord Mandelson: Not in my knowledge. I would have been rather surprised had it been. I do not criticise officials for anticipating what ministers might subsequently decide. What I did instead, and again I do not think I can be criticised for this, is set up an examination of the whole issue of OTRs to be undertaken by Sir Quentin Thomas. Yes, it was an attempt by me to buy time but not push the issue into the long grass. I was not trying to do that. I was simply trying to find a way, which certainly eluded me during the time I was Secretary of State, to deal with all the on-the-runs in a way that was acceptable to all the parties to the Good Friday Agreement and would not spark outrage amongst the public. As I have said, subsequent Secretaries of State were no more successful than I was. I do not think I should be blamed for being intransigent on it. If there was a simple solution, if there was a magic wand or silver bullet, I am sure I would have found it, but there was not and they did not find it either.

Q2954 Lady Hermon: Lord Mandelson, we greatly appreciate the fact that you have come to give evidence to us today, because of course you were the Secretary of State when the first letters were signed secretly in Number 10 and sent to Sinn Féin. May we also collectively suggest to you—because it is well known that you and Tony Blair were, and I understand still are, very good friends—since Tony Blair did so much to bring peace to Northern Ireland and was successful in negotiating very quickly the Good Friday Agreement, the Belfast Agreement—

Lord Mandelson: I do not think he felt it was quick.

Lady Hermon: To have come into Number 10 in 1997 and have an agreement—

Lord Mandelson: To have an agreement a year later is quite something.

Lady Hermon: It was a major achievement after 30 awful years in Northern Ireland. It was a major achievement, and it would be very nice indeed to have the former Prime Minister, who achieved so much and for which I am so grateful, to come to address this Committee.

Lord Mandelson: You did have Jonathan Powell, who speaks with his master's voice very authentically. I have read his evidence.

Q2955 Lady Hermon: We would still like to have the master's voice itself, but we do appreciate you coming very much indeed. I must say, as you made your opening statement, it did take me back and you described 2000 very accurately indeed. It was a very fragile, very sensitive time. I would ask you to compare that with 2007, when we have had other Secretaries of State tell us that in fact it was a very fragile, sensitive time and the peace process was going to collapse in 2007. It certainly was not. Anyway, let us deal first of all with your period in office.

You mentioned amongst other things amnesty quite a lot—that legislation would be required for an amnesty. I have always been intrigued by this. Did Sinn Féin ask for an amnesty? In those many meetings that you had with Sinn Féin negotiators Gerry Kelly, Gerry Adams and Martin McGuinness, did they actually ask for an amnesty?

Lord Mandelson: To all intents and purposes, yes. What they wanted was a solution for all the OTRs and not part of them and, secondly, they did not want a system created in which OTRs would effectively have to surrender themselves to whatever authority it was in Northern Ireland for however short a time. When I discussed this with them, as I did on many occasions, I would say, “Tony has taken a view; it is not possible to simply hand out pardons left, right and centre, but if we were to try to construct some sort of process in which OTRs returned to the jurisdiction of Northern Ireland, had their cases somehow, without prosecution or trial, addressed by some process, by some means, would you want us to go along that course? Would you want us to consider how that might happen?” They emphatically said no. They did not want that to happen. They did not want any sense of OTRs having to come in person and effectively surrender, as they saw it, to the authorities.

Q2956 Lady Hermon: That was at one stage a scheme that was suggested by David Trimble, then the leader of the Ulster Unionist Party—that they would actually come and appear before a court and plead guilty to whatever offence they had been alleged to have committed, but they rejected it.

Lord Mandelson: And then have their sentence basically commuted by the Sentence Review Commissioner the next day. It would be like a revolving door.

Q2957 Lady Hermon: Let me just repeat the question: did they actually ask for an amnesty? You have mentioned several times that they asked for some sort of magic wand. I cannot imagine the words “magic wand” crossing the lips of Gerry Adams myself, but did the word “amnesty” cross his lips?

Lord Mandelson: I would like to say, because I feel that that was the entire tenor of the conversations we had, that they did use the word “amnesty”, but I cannot for sure, 14, or 15 years on, remember a specific occasion. I do not think I am misrepresenting their position. They wanted to wipe the slate clean.

Lady Hermon: Yes, and they wanted it done secretly.

Lord Mandelson: I am not saying it was wrong or not legitimate, from their point of view, to ask for such a thing.

Q2958 Lady Hermon: They wanted it done secretly, so there were letters that came out of Downing Street signed by Jonathan Powell in June 2000, right in the middle of that first year of your tenure as Secretary of State.

Lord Mandelson: I am not sure that they said, “And it must be done in secret.” I do not see how you could bring the Rita O’Hares of this world back to Northern Ireland secretly.

Q2959 Lady Hermon: No, no—that was dealing with something quite different. We are talking about the letters that were issued. You confirmed that the letters were issued in June 2000. They certainly were. The first tranche of OTRs was handed in by Sinn Féin in May 2000, while you were Secretary of State. Curiously and very interestingly, within a month, in June 2000, two letters were issued to the first OTRs—secret letters.

Lord Mandelson: Post-conviction.

Q2960 Lady Hermon: I was hoping that you would be able to tell us who they were for. That was a historic occasion. Jonathan Powell signed them, and can you remember who they were for?

Lord Mandelson: If you are asking me what their names are, I cannot remember. I am sorry. I could very easily find out.

Q2961 Lady Hermon: The scheme has now ended, and the present Secretary of State for Northern Ireland, Theresa Villiers, has made it absolutely clear publicly and in statements orally to the House² and to this Committee³ that the OTR letters to the 228 recipients are absolutely worthless, should not be relied on at all and that they could all face prosecution. That being the case, do you think, in the interests of restoring confidence in the legal system and restoring confidence in the victims, that this is a transparent process now and we should have the names made public?

Lord Mandelson: I am sorry; I have been away from this for too long to be able to form a judgment.

Lady Hermon: You are a very able politician, Lord Mandelson.

² Theresa Villiers’ 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>

³ A transcript of Theresa Villiers’ oral evidence to the Northern Ireland Affairs Committee on 3 September 2014 can be found here: <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/northern-ireland-affairs-committee/administrative-scheme-for-ontheruns/oral/12202.html>

Lord Mandelson: I know, but I do not follow these matters closely anymore. I really could not judge whether, as you say, all the people should be identified and the names published. I am sorry; I just cannot form a view on that.

On Theresa Villiers' decision, I am not going to say whether I agree with that or not either. I just think that any Secretary of State in her position would have to ask herself whether what she did was absolutely justified. Was it fair to the recipients of the letters to do that, whether it weakens the peace process by taking that action? Will it alienate support amongst republicans and nationalists for the peace process and for the institution? Does it make it easier or harder to deal with the whole issue of OTRs? I am not sure that cancelling all the letters really does make it easy to deal with the issue, but I am not going to sit in judgment here, because I simply do not have enough feel for the situation to say, but those are the questions, if I were Secretary of State now, that I would be asking myself.

Q2962 Lady Hermon: As a former Secretary of State who, during June 2000, knew that two letters had been issued to two OTRs, signed by Jonathan Powell in Number 10, would you be happy enough for us to know who those two were, the start of this process, rather than speaking for Theresa Villiers now? Time has elapsed; we have heard all of that. Speaking for yourself as the Secretary of State at the time, would you be happy for us to know who they were?

Lord Mandelson: I am sorry; I do not want to dodge the question, but I cannot say whether I would be happy or unhappy. I am just simply not close enough to this situation to judge whether naming those individuals would help, put them in harm's way, or be unfair to their families. I just cannot answer the question. I am sorry; I am just not close enough.

Q2963 Lady Hermon: We all know the fact that this has come into the public domain through Mr Downey walking out of the Old Bailey free, when it had been alleged that he had been involved in the killing of four soldiers in Hyde Park and also related to the murders of UDR two men and an Enniskillen bombing as well. He walks free; he still walks free, breathing the air of County Donegal. We know that, in fact, his Article 2 right to life has not indeed been jeopardised at all.

Let me just ask you whether in fact you have had the opportunity to speak to Lord Trimble since the Downey judgment. Lord Trimble came to this Committee⁴ and described himself as very hurt to discover through the Downey judgment⁵ that this scheme, this secret OTR letter scheme, had been commenced in 2000 while you were Secretary of State. Have you had the opportunity to apologise to him for what appeared certainly to be a deceit? Let's put it bluntly: he was the First Minister at the time; he is a Nobel Peace Prize winner. He

⁴ A transcript of Lord Trimble's oral evidence to the Northern Ireland Affairs Committee on 13 May 2014 can be found here: <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/northern-ireland-affairs-committee/administrative-scheme-for-ontheruns/oral/9593.pdf>

⁵ 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>

negotiated the Good Friday Agreement, the Belfast Agreement, and delivered that for the Government for Tony Blair. Did you apologise to him for your part in deceiving him and for the hurt that had been caused to him by this discovery of these secret letters?

Lord Mandelson: No, I have not.

Q2964 Lady Hermon: Did it cross your mind to do so?

Lord Mandelson: No.

Q2965 Lady Hermon: Why is that?

Lord Mandelson: Because David Trimble knows better than anyone in the world how difficult it is to form these judgments and make these calls on what are very nuanced and complex situations. I found, during my time as Secretary of State, that David did not agree with everything I did or everything that I said but, at the end of the day, he would say that I played things straight with him and all parties to the Good Friday Agreement, and that I was sensitive to the needs and political state of unionism at the time. I think he would on balance say that I took a fairly balanced approach in these matters. I did so in relation to police reform where, if you remember—

Lady Hermon: I remember very well police reform.

Lord Mandelson: —a further round of posters found their way on to walls in Belfast denouncing me for my betrayal of Patten. It was no such thing, incidentally. Prior to that, the first round of posters and graffiti that appeared was denouncing me for the temporary suspension of the institutions at the end of January. Did I like all that, being vilified in that way and having a wedge inserted between me and the rest of the Government, as it were, and between me and Dublin and me and Washington? No, I did not like it, but it did not make any difference at all to the judgments I formed and the policies that I pursued.

Q2966 Lady Hermon: You described having Northern Ireland, the peace process and keeping it on track, 24 hours a day, seven days a week. Did you get the balance right? Did it not cross your mind that, at some stage, David Trimble, the Ulster unionists and the people of Northern Ireland were, at some stage, going to discover the truth about these letters and how OTRs had been dealt with? Did that worry you? Did that cause you to lose some sleep?

Lord Mandelson: The assumption of your question is that David had absolutely no idea that this matter was being discussed, that he had no idea Ministers were having to weigh up different options or that I had asked Sir Quentin Thomas to examine the whole issue and report to me. If David says that, during the entirety of the year 2000 he was in complete ignorance, then of course I believe him, but I think it is surprising that somebody of his acumen and his networks did not know that OTRs were becoming a very difficult issue between me and the republicans. I would be very surprised.

Q2967 Lady Hermon: In fairness to David Trimble, who of course is not here but has given evidence to this Committee, he was well aware, as all politicians in Northern Ireland were well aware, that the OTR issue was being discussed and was a very sensitive issue. He had absolutely no idea that letters had been issued dealing with the OTR issue in 2000. I would like you to confirm that to the Committee.

Lord Mandelson: I can only confirm what he has said and of course I accept what he says, because I do not think he is a liar. I would just add one postscript to this: I was not in the business of sending secret side letters to one side of the Good Friday Agreement or the other, making promises that went beyond the terms of the Good Friday Agreement which, if they had become known, would have greatly disappointed others and destabilised the process. I was not that sort of Secretary of State.

Q2968 Mr Anderson: It is good to see you, Peter, and thank you for coming. Right at the beginning you talked about a shopping list and, within that shopping list, were things including the dismantled security infrastructure, the whole thing around Patten and the flags. Those were raised as vitally important issues. You also said that OTRs were near the top. If you had to deal with it in a pecking order, how near the top would you say it was?

Lord Mandelson: Not at the top.

Q2969 Mr Anderson: Was it severe enough that, if you had said, “I looked at this but there is no way around it,” do you think they would have walked away?

Lord Mandelson: Would they have walked away from the peace process and institutions if we had just refused to consider it?

Mr Anderson: No, but if you had said, “We have looked at this,” and you genuinely looked at it and you thought, given all the reasons that have been raised this morning and the obvious hurt to people etc.—

Lord Mandelson: They did not walk away, did they?

Mr Anderson: Because you gave them something.

Lord Mandelson: I can assure you the exercise of the royal prerogative, combined with withdrawing extraditions, did not make them put the bunting up and jump for joy in the streets. They thought that was just a token concession to string them along for a bit longer.

Q2970 Mr Anderson: If you had not given them anything at all, do you think they would have walked away?

Lord Mandelson: It is very difficult. You are not conducting a laboratory experiment here. If I had done absolutely nothing, they would have taken it very badly. The pressure on me would have greatly escalated, and it was quite strong as it was. Would they, at the

end of the day, have walked away and brought the institutions down? In my judgment, no, even though they felt very strongly about it and they felt it was very important. To get people released who could become cheerleaders and champions of the peace process and the Good Friday Agreement, including quite possibly Rita O'Hare, was a perfectly legitimate political argument for them to make.

Q2971 Mr Anderson: In terms of Sylvia's question about the role of David Trimble, what about other political parties? Were other political parties, SDLP, etc., aware of the discussions?

Lord Mandelson: Yes, I am sure they were.

Q2972 Mr Anderson: Were they aware in the same way as you said that David would have been? While not actively being involved in them, they would have known because they would have known how things work in Northern Ireland, etc.

Lord Mandelson: They would have had some sympathy for the republican point of view, but they certainly would not have gone to the wall for it. The priorities of the SDLP at the time were reform of the police and pulling down the towers in South Armagh. Those were their priorities. OTRs were not their priority in the SDLP.

Q2973 Mr Anderson: Were the Americans aware that you were having these discussions?

Lord Mandelson: Yes.

Q2974 Mr Anderson: Was George Mitchell aware?

Lord Mandelson: George Mitchell was not around. Were the Americans aware? I am sure they were. Basically they would have taken the same view as that of the Government in Dublin.

Q2975 Mr Anderson: When Jonathan Powell came to the Committee, he said, "Agreement to one issue by one party was critical to obtaining the agreement of another party to another issue." Is that a fair statement for him to make?

Lord Mandelson: Yes, that was the principle on which the Good Friday Agreement was negotiated and eventually agreed. I think, in any situation like that, the more transparent you can be, the more trusting you can be, the more open you can be with people, the better. That is why, were you tempted to write a side letter, it would be inadvisable to do so, because it is not transparent and more than likely to blow up in your face subsequently, should it become public.

Q2976 Mr Anderson: In terms of the discussions you were having, you and others further on, about putting this process in place, was there a quid pro quo directly related to that for the other parties or not? Was it just one of the things that was done there and now we are going to sit down and do something on that?

Lord Mandelson: To be honest, I felt the quid pro quo for non-republicans and non-nationalists was that, whatever makeshift process was beginning to be put in place in the back end of 2000, it related to post-conviction individuals or individuals for whom there was no evidential basis for a prosecution, and that we were not introducing an amnesty for pre-conviction individuals. That in a sense was a quid pro quo for the other side at the table.

Q2977 Chair: It is obviously an issue to Sinn Féin. The on-the-run situation was described as an anomaly. Did you personally see it as an anomaly?

Lord Mandelson: No, I did not see it as an anomaly.

Chair: You did not see it as an anomaly?

Lord Mandelson: No. I can perfectly accept that individuals found themselves in an anomalous situation if, having been tried and convicted and imprisoned for a while in Northern Ireland, they then absconded and found themselves either free or serving time in the Republic. In other circumstances, if they had not done that, they would now be free people because they would have qualified for the early release scheme. That in a sense, given the spirit of the early release scheme, I would say created anomalies.

Q2978 Chair: You believe somebody who is suspected of something but has not been taken through the court system should be taken through the court system.

Lord Mandelson: Yes. They are not anomalies. They should either be taken through the court system or, if the Government and Parliament so determined, receive an amnesty—a free pardon. That was not an option for us in 2000.

Q2979 Naomi Long: Thank you, Lord Mandelson. Your evidence has been very interesting. You said in answer to Dave's question that your judgment was that Sinn Féin would not have walked away; republicans would not have walked away in 2000.

Lord Mandelson: I cannot say that with certainty.

Q2980 Naomi Long: I understand that. Your judgment, and you had to make a lot of judgments during your time as Secretary of State, was that they would not have walked away at that time. Do you believe that they would have walked away in 2007?

Lord Mandelson: Would they have walked out of the entire thing—the Government, the Parliament and the Assembly?

Naomi Long: Yes.

Lord Mandelson: If what?

Naomi Long: If they had not got the scheme formalised and the letters that were issued in 2007, do you believe they would have walked away at that point?

Lord Mandelson: I was in the middle of negotiating a world trade deal in 2007, in equally difficult circumstances, I might say, which eventually failed. Would they have walked away? To be honest, I do not really think they were that impressed with the screening process, which is what the letters were, to all intents and purposes, or that signed up to this in the first place. I think they regarded it as a bit of a sop to them, to be quite honest—sub-optimal, from their point of view. Therefore, would they have walked away from the entire thing if what they regarded as a sop had not taken place or was withdrawn? I think it is unlikely, but I really cannot say for sure. I do not have a perfect judgment.

Q2981 Naomi Long: For what it is worth, I would not disagree with your judgment on that. You say also that you felt that the republican movement, if you like, was never fully satisfied with what was offered in terms of the letters.

Lord Mandelson: To be honest, they were never fully satisfied with anything.

Naomi Long: I think that is just politics. In terms of the letters, you have referred to them as being viewed as something of a sop towards them.

Lord Mandelson: In their terms.

Q2982 Naomi Long: I understand that. Are you surprised that subsequent Secretaries of State have described them as critical to the peace process to this Committee? They have said that, without them, the peace process would have been in jeopardy. In the context, in 2007, the institutions had been restored after a four-year suspension and we had the DUP, now with First Minister Dr Paisley with Martin McGuinness, so, at that time, there seemed to be some buoyancy around the process, I would say. Are you surprised that, at that point in 2007, Secretaries of State viewed the letters as critical?

Lord Mandelson: If you had actually cancelled the scheme, the process or whatever it was, that would have been destabilising, yes. It would have required a great deal of explanation, just as I think that, in the present circumstances, today Theresa Villiers' decision to stop the scheme requires some explanation, as I have already said. You really needed to feel sure that what you were doing was right, that it was fair to people and that you could justify it in terms of the peace process. Exactly the same calculus would have been needed for Secretaries of State in 2007, if they had cancelled the scheme.

Q2983 Naomi Long: We have received slightly conflicting views about the scheme. On the one hand, we have been told that it was purely administrative, that it only dealt with matters of fact on a particular day, and that the letters were never a “get out of jail free” card; they were simply a statement of fact in a case, so they made no material change, with the exception of the John Downey letter⁶, which was issued in error. They made no material change in the case against individuals. You had described it that Sinn Féin saw them as a sop and not really what they had wanted.

Lord Mandelson: Sub-optimal from their point of view would be the expression I would use.

Naomi Long: So, sub-optimal from their point of view, yet others have said these were so important and so critical that they could have collapsed the process.

Lord Mandelson: Something can be both sub-optimal and necessary to keep in place. Once the thing had been put in place, you would then have to ask yourself what would be the consequences, in 2007, if you just wrapped up the whole thing.

Q2984 Naomi Long: The question is, I suppose, if they had, as we have been told, no input in terms of future trials, what purpose they actually served. I would have said they would be significantly sub-optimal in comparison with what Sinn Féin had been desirous of, which was that people would be able to return to Northern Ireland without fear of prosecution. The argument that we have heard repeatedly from those involved in setting up the scheme is that they did not give that surety to anyone.

Lord Mandelson: You are going beyond my time, but the letters were written on the basis of evidence currently available to the police and the prosecuting authorities. By extension, if evidence had emerged subsequently, then, in principle, the police could have revisited those cases.

Naomi Long: That makes the argument that the letters were critical quite hard to sustain.

Lord Mandelson: The analogous situation is people being freed from prison on terms of a licence. In the summer of 2000, I cancelled the licence of a loyalist paramilitary leader, because I had evidence presented to me that he was fomenting violence in Belfast and that he was very clearly party to the violence and unrest on the streets, for which I had to call the Army out in August 2000. His licence was withdrawn, he was rearrested and he was put back in prison. That is what people have to accept as the basis on which the process operated.

Q2985 Naomi Long: I just want to clarify: during your time there was no process dealing with those who had not been convicted. That process did not start until after your time; is that correct? The people who were dealt with during your time had been convicted.

⁶ A link to the letter from the Northern Ireland office to Mr John Downey in July 2007 is provided here: <http://www.parliament.uk/documents/commons-committees/northern-ireland-affairs/Cover-letter-from-NIO-to-Gerry-Kelly-and-John-Downey-OTR-Letter-July-2007.pdf>

Lord Mandelson: Yes.

Q2986 Naomi Long: Regarding those who were wanted for questioning or for whom there may have been evidence that would have warranted them being brought back, and interviewed at least and potentially charged, there was no process during your time of issuing letters to those individuals to say either that they were not wanted or refusing letters on that basis, because they were.

Lord Mandelson: I do not remember such a case being put up to me.

Q2987 Naomi Long: During your time, just to clarify, the abandonment of extradition against individuals went through. People were given royal pardons during that time.

Lord Mandelson: No, they were not given royal pardons. These were not pardons; they were commutations of their sentences. That is an absolutely fundamental principle. I was not party to giving people pardons.

Q2988 Naomi Long: People who had been convicted were advised by letter that they were able to return to Northern Ireland. Is that correct?

Lord Mandelson: If there was no evidential basis for a direction of prosecution or further prosecution for people who had absconded and had served time, it was reasonable, alongside the early release scheme and in the spirit of that scheme, to give them their freedom.

Q2989 Naomi Long: None of that constituted an amnesty. You said that you felt that you had advised against an amnesty, and one of the reasons you gave was that it would have outraged public opinion. Do you believe that those things, taken collectively, had the full extent been known at the time, and some were public, some not—the letters, for example, were not—would have outraged public opinion?

Lord Mandelson: No, because in respect of extradition, the decision announcement I made in September and the exercise of the royal prerogative were not done in secret. I did have to justify it. I had to justify my decisions.

Q2990 Naomi Long: It was not done in secret; that is correct. That is why I said parts of that were in public. The letters were not in public though. The letters were in private.

Lord Mandelson: Do you know, because I do not, how many letters, in addition to the two that were signed off by Jonathan, were sent during my time as Secretary of State? No, I do not either.

Chair: We will research it, thank you.

Q2991 Naomi Long: It was not a huge number—we do know that—because it ramped up considerably, and the process sped up and intensified towards the later part.

Lord Mandelson: I know all of this is easy to concertina into what seems like a relatively short period, but we are talking about the year 2000 here. We are a long way from, what was it, Operation Rapid⁷ in 2007-08.

Q2992 Naomi Long: The principle still stands: do you believe, if people had known about the letters, it would have outraged public opinion?

Lord Mandelson: No, because I believe they could have been justified. I did not do anything in Northern Ireland; I was not party to anything. There was not one single thing that, if it were necessary to justify it to the public, I felt I could do.

Q2993 Lady Hermon: Why was no effort made by Number 10 to justify those first two letters? You were Secretary of State at the time when they were issued in June, so why was no effort made? Why was it kept secret? That set the trend.

Lord Mandelson: I know you have had a long discussion with Jonathan Powell about the concept of secrecy and when a secret is not a secret. Lady Justice Hallett⁸ concluded that these were not secret; they were just not announced.

Q2994 Lady Hermon: Lord Mandelson, you know very well that, at no stage, did Sinn Féin boast in June of 2000, as they love to boast about anything that was conceded to them, about the two letters that had been sent to the OTRs. It was kept secret, with which Jonathan Powell agreed, I have to say. He could not gainsay that.

Lord Mandelson: The information about them was not released.

Chair: I am advised there were seven letters, including the two, in total during your time.

Q2995 Naomi Long: You also said that you were keen that whatever was done would be—I think this is the phrase you used—“acceptable to all the parties to the agreement”. It was important, when you were dealing with the demands of any of the parties, that your solutions were acceptable to all the parties to the agreement. Obviously all the parties were aware that Sinn Féin’s wish list included the resolution of the issue of the on-the-runs, because that was openly being debated and discussed throughout 1999, 2000 and beyond. Indeed, a number of parties put forward suggestions as to how that situation could be resolved. Sylvia has already

⁷ The terms of reference of “Operation Rapid” can be found here: <http://www.parliament.uk/documents/commons-committees/northern-ireland-affairs/Operation-Rapid-Terms-of-Reference.pdf>

⁸ A link to the Hallett Review report can be found here: <http://www.hallettreview.org/report/>

referred to an Ulster unionist proposal; I am aware that my own party put forward proposals that again would have required people to present themselves, and then their sentence would have gone to the Sentence Review Commissioners, as would have happened had they been convicted.

Were all of the parties therefore made aware? You have said it was not a secret and it was not announced, but were all the parties made aware that letters were being issued at that time, and did they indicate that it was acceptable to them that it was being handled in that manner?

Lord Mandelson: I do not know whether it was a known unknown or an unknown known, to recall US Defense Secretary Rumsfeld. You would have to ask the other parties what they knew at the time. I think you did put this to David Trimble when he came here and he said he had no knowledge of the letters. Whether that means he had no knowledge at all of how this issue was being managed is a slightly different question. I met David on many occasions and talked to him privately about things that I was having to deal with or wrestle with during my time as Secretary of State. He knew all about the pressure that was being exerted on, for example, normalisation, as it is called, and about Patten obviously. I would have had infinitely more meetings about Patten and reform of policing than I did about OTRs. If you are saying that, in the course of a discussion between us, the issue of OTRs never came up and it was never referred to, I think that is most unlikely.

Q2996 Naomi Long: To clarify, that is not what I am saying. It is exactly the opposite. I am saying the issue of the OTRs was being discussed; everyone was aware of that during the discussions post 1998 and so on. The issue was regularly discussed. I was in discussions where the issue was raised, so I was fully aware, between then and certainly 2005, that it was constantly being raised as an issue.

However, the question that I am asking specifically is that, given you have said that, for you, your bottom line in dealing with these things was that you did not do the side letters and so on, but also that you wanted things to be acceptable to all the parties to the agreement, did you discuss with all the parties to the agreement the fact that letters were being issued through Number 10 to people who fell into this category of OTR?

Lord Mandelson: I can only recall, to the best of my ability, that OTRs was, if not a popularly known and debated issue, within the circle of parties who were involved in a succession of different meetings and conversations. They were aware, in broad terms, of what my approach was, because I made it clear, after my view had been accepted by the Prime Minister, that legislation would not be introduced to provide for an amnesty. So much was well known.

Q2997 Naomi Long: Well, perhaps I can phrase the question slightly differently, because no one is disputing that all of the parties were aware that the OTRs was a live issue. That is not in dispute. The issue is whether or not all of the parties were aware of the letters. That is in dispute. You have said that they were aware of your approach on this issue. I think that is possibly also accurate. Were they aware of Number 10's position on these issues?

Lord Mandelson: I think David Trimble was pretty much always aware of how Number 10 was engaging with these issues. He had an almost uncanny ability to follow what was going on and understand the pressures that were being exerted and the different ways in which the Prime Minister was being pushed, whether it was from people on the ground in Northern Ireland or from Dublin and Washington. You probably know that right at the end of July the Prime Minister had lunch with the Taoiseach and reviewed all these areas of dispute, if I can put it like that, between the British Government—and me in particular—and Sinn Féin.

Would David have known that the Taoiseach was having lunch with the Prime Minister to discuss all these issues? Almost certainly yes. He was never—or was certainly not for long—in ignorance of anything that was going on, but that is not the same as officially putting in front of him the knowledge—a letter, etc. I think that the point you are making is that he should have been almost formally told about the two letters that had gone from Number 10 and that, as he says he was not, then those responsible should apologise to him. I think you put this to Jonathan Powell when he came here. I cannot immediately recall what his answer was.

Naomi Long: “Je ne regrette rien” sums it up.

Lord Mandelson: Oh, really? Well, he is a confident fellow. There were just so many discussions going on and on around these events and around these issues.

Chair: On the point of who knew, though, we have discussed it with three former Chief Constables⁹. Ronnie Flanagan perhaps was slightly confused about the issue. Hugh Orde and Matt Baggott were adamant; they knew they had been asked to look into individuals but they knew nothing about letters. They were quite clear on this. This was not generally known. The issue was generally known, but the fact that letters were going out was not generally known. Whether that makes it secret or not I do not know, but it was not generally known.

Q2998 Naomi Long: Chairman, to be clear, the issue for me is not one of apologising to individuals. The issue for me is about the integrity of the process at that time and the fact that

⁹ A link to the transcript of the oral evidence from Sir Hugh Orde OBE QPM, President, Association of Chief Police Officers and former Chief Constable, Police Service of Northern Ireland to the Northern Ireland Affairs Committee on 9 April 2014 (HC 1194) can be found here:

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

A link to the transcript of the oral evidence from Sir Ronnie Flanagan GBE QPM, former Chief Constable, Royal Ulster Constabulary GC/Police Service of Northern Ireland to the Northern Ireland Affairs Committee on 30 April 2014 (HC 1194) can be found here:

<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/northern-ireland-affairs-committee/administrative-scheme-for-ontheruns/oral/9013.html>

A link to the transcript of the oral evidence from Chief Constable Matt Baggott CBE QPM, and Assistant Chief Constable Drew Harris OBE, Police Service of Northern Ireland 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>

matters that in the end have proven to be so important were, at their conception, concealed from people who were critical to the process—the other parties to the agreement.

Lord Mandelson: Are you saying that the Chief Constable did not know at all that discussion was going on about the creation of a sort of screening process—that he did not know or was not party to a discussion in which it was considered how to divide OTRs and put them in different categories, bearing in mind that there is a very large spectrum of OTRs, from the very serious to the totally insignificant and actually unknown? There were OTRs who had fled from Northern Ireland about whom the authorities knew nothing.

Q2999 Lady Hermon: Sorry to interrupt you, but in fairness to a number of very senior police officers who were very closely involved with this, they knew that they had been asked, in tandem with the DPP’s Office, with the Attorney General’s Office and with the Northern Ireland Office, to look at OTRs, but a number of very senior officers have told us consistently they knew nothing about the secrecy of the letters—they knew nothing about the letters as the end product.

Could I also, Lord Mandelson, just draw your attention to the fact that in his sworn affidavit to the Downey case, your successor, Peter Hain¹⁰, described the scheme? It is in the judgment; it is in the public domain. He said that the scheme had a number of characteristics, and one of them was that it “progressed in a non-public manner. Confidentiality was maintained for the individuals who submitted their names to the scheme”? That is the written evidence given by one of your successors: that the scheme definitely did proceed in a non-public manner. We have had a number of senior police officers tell us, as leaders of political parties have consistently told us, that they knew nothing of the letters sent to OTRs.

Lord Mandelson: As it gained momentum and evolved into a scheme rather than a sort of sketchy process, which is really what it was in 2000, if I thought that it having been unknown would create more trouble than disclosing it in the first place, and if I had continued as Secretary of State after the end of January 2001, I might well have come to the view that it would have been better to avow it. I might have taken that view, but, as we know, that opportunity was closed to me when I was defenestrated some time towards the end of the January.

Lady Hermon: Yes—which is a great pity.

Lord Mandelson: I am really not trying to evade this issue, but I had discussions with Ronnie about this in 2000.

Lady Hermon: This is Ronnie Flanagan, the then Chief Constable of the Royal Ulster Constabulary.

Lord Mandelson: Ronnie Flanagan, the Chief Constable. I cannot quite remember when, but certainly it would have been April/May time—about whether it was possible to distinguish between OTRs, whether you could put them in different categories and

¹⁰ A link to Peter Hain’s evidence to Mr Justice Sweeney can be found here: <http://www.parliament.uk/documents/commons-committees/northern-ireland-affairs/Peter-Hain-statement-to-Mr-Justice-Sweeney-January-2014.pdf>

whether you could deal with some even if you were not dealing with others. I did have those discussions.

As I say, when the Prime Minister and the Taoiseach had their lunch at the end of July, one of their conclusions related to OTRs. I am afraid I cannot give you chapter and verse, but I definitely remember the word coming from Number 10 after that lunch was: “Look, we have really got to put the foot down on the gas a bit and try to create a proper policy, a proper procedure,” which in time evolved into a scheme. Coming from that lunch I also remember—I am not saying I was given my marching orders; certainly not—I was made aware of the Prime Minister and the Taoiseach’s expectations over security normalisation, for example. This continued from that summer onwards. Indeed, I remember, in the circumstances of those 48 hours when I left the Government in January, I was in Hillsborough with maps of security installations spread out across the dining table, with the GOC on the one hand and the Chief Constable on the other, because I was trying to find ways the then-current crisis in the peace process could perhaps be eased or ameliorated by our making some move or some concession on normalisation. That is what these discussions were like all the time. Things would well up; everyone would get incredibly angry; the republicans would stomp and the nationalists would complain; Bertie would phone Tony; and then Clinton would come on the phone, etc. All the time, you are having to manage a situation where there are competing interests, competing views and competing sensitivities.

The very day that my fate was sealed, I was in 10 Downing Street with the Prime Minister having a day-long series of meetings and discussions with all the parties to the Good Friday Agreement. The SDLP came in and whacked me over Patten. Ulster unionists would come in and whack me over flags or symbols—or whatever it is—in the context of police reform. Then Sinn Féin would come in and whack me over normalisation or OTRs, and I would have to deal with all this with the Prime Minister. The Prime Minister is saying, “Peter, what do you have to say to this?” and, “What response can we make here?” and, “Is there scope, perhaps, for going further on this issue?” That is what I was doing that day. I remember it very well indeed. By the end of Tuesday I was exhausted and, in some respects, at my wits’ end. Unbeknownst to me, a different end was being hatched. You have to get a sense of the intensity of these discussions and the strong emotions that they arouse.

Q3000 Lady Hermon: Yes, but can we just be clear? Did Ronnie Flanagan, as the Chief Constable, know about the letters to the OTRs? Is that your recollection?

Lord Mandelson: I am afraid I would be surprised if he did not.

Q3001 Kate Hoey: Peter, thank you for coming and I hope you do tell Mr Blair that he does not really want to go down in history as being the same as Gerry Kelly in refusing to come to the Committee, or making it very difficult for us to see him. I want to ask you about Jonathan Powell. He signed those two letters; we all know that. Did you say you knew that he had signed them, or did you have to give permission that he signed them, or was that just one of those things that Jonathan Powell took on himself?

Lord Mandelson: I knew that there was a judgment that, in two cases, letters should be sent—that they both, as it were, passed the sufficient-evidence test, i.e. that there was no need for re-arrest or further trial or conviction or whatever. Yes, I did know that they were being sent.

Q3002 Kate Hoey: Why did you not sign the other seven that happened on your watch? You obviously did not know about those seven, or they did not pass your desk.

Lord Mandelson: Who were they signed by? Officials?

Kate Hoey: Officials.

Lord Mandelson: To be honest, could I have signed them? Yes. Should I have done? Perhaps. I just think they would have taken on a status and a meaning if the Secretary of State had signed those letters that was not justified.

Q3003 Kate Hoey: But with the Jonathan Powell one, he would not have been seen as a status. He might have seen himself as a status but perhaps he was not seen as a status by parties.

Lord Mandelson: I do not think there was an extensive debate that went on between us about who should sign the letters. Frankly, I was happy not to.

Q3004 Kate Hoey: I presume, from what you have said or not said, your relationship with Jonathan Powell was not exactly a really close one.

Lord Mandelson: Yes, it was extremely close. After all, I had been instrumental in recruiting him to work for Tony in 1994, and we co-operated across the waterfront on political and policy matters throughout. I do not think that our relationship ever broke down during the entire period on any issue.

Q3005 Kate Hoey: This is concerning your successor. We have seen there were a lot of letters that came to you from the Attorney General during your time—Lord Williams was writing regularly and you or your private secretaries were regularly writing back. Would you find it very strange that the Secretary of State who followed you, Peter Hain, told us that he had no recollection—

Lord Mandelson: John Reid followed me, not Peter.

Kate Hoey: Sorry. I am talking about the one after.

Lord Mandelson: Later on.

Kate Hoey: Yes. Peter Hain told us that he had no recollection of a letter that came from the Attorney General¹¹—I think it was about February 2006—that made it very clear that, after

further investigations, John Downey was still wanted for serious terrorist offences. The former Secretary of State, Peter Hain, told us that he did not recall that letter.

Lord Mandelson: Sorry, the letter was from the Attorney?

Kate Hoey: Yes, to him.

Lord Mandelson: Saying?

Kate Hoey: Saying, “We have looked at various numbers of people”—names were redacted, but John Downey was still wanted for serious terrorist offences. Yet less than a year later he got a letter signed by Mark Sweeney in the Northern Ireland Office telling him that he was not wanted. Mark Sweeney was also copied in on the top of that letter. We are also finding it quite difficult, as well as getting Tony Blair to be here, to get Mark Sweeney to be here, as the Secretary of State seems to think that one person can answer for the whole of the Northern Ireland Office, whereas we would like to see Mr Sweeney himself.

Lord Mandelson: What does Mr Sweeney do now?

Kate Hoey: He is in the Cabinet Office, so he is very near us; he is only five minutes away. Do you think it is conceivable that a letter from the Attorney General, personally written to the Secretary of State, would not have been noticed and, indeed, answered, when it was copied to a lot of people in the private office?

Lord Mandelson: Are you saying that the Attorney’s letter was ignored or it got lost? What happened to it?

Kate Hoey: The letter itself, at the top—I think we have got a copy here somewhere—said, “To be responded to by the Secretary of State”. Peter Hain does not remember getting that letter, nor responding to it.

Lord Mandelson: I would rather not engage in conjecture, retrospective or otherwise.

Q3006 Kate Hoey: No, I understand. A letter coming to the Secretary of State from the Attorney General would normally be seen as quite an important letter.

Lord Mandelson: Yes.

Q3007 Kate Hoey: Thank you. In the documents there is a lot of discussion and talk about the Irish Government and what the Irish Government might think, and, “We must check with the Irish Government.” Did it never occur to you that the pro-union population in Northern Ireland must have felt that they did not really have a Government sticking up for them, because the Irish Government seemed to be very much pushing a nationalist perspective and, indeed, wanting to see the OTR issue settled; and the British Government, represented by

¹¹ 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 27 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>

you, was always very keen to see itself as being even-handed? Looking back now on all of this, can you understand perhaps why the pro-union community still feels that they are not listened to or that they do not have anyone really standing up for them? The current Secretary of State still sees it as her job to be even-handed.

Lord Mandelson: I too would describe my job as being even-handed but, in a situation where two other Governments were, as it were, batting for one side and no equivalent batting for the other, then I would have seen it as my job as Secretary of State to make sure that there was proper balance in the consideration of their respective positions and viewpoints. I did that throughout. I did not exactly make myself popular in doing so. I was not the number-one pin-up in Dublin, and there were times when in Washington they probably wished that I was not there. It is not a question of being on one person's side or another's. It is a question of making sure that everyone's position and viewpoint is heard, listened to and respected. I agree to this extent: that in circumstances when you have a lot of clamour behind one position or viewpoint and not so much clamour on the other, there is an especial responsibility, in my view, on the part of the Secretary of State to make sure that you do not simply listen to one side and take decisions that might trigger real problems for the peace process. I would find myself sometimes saying to my opposite number—Brian Cowen or whoever it was in Dublin, or the emissary for Bill Clinton, whoever that was at the time—“Yes, I know that the republicans want this,” or “I know the nationalists want the other, and I would like to accommodate them; I would like to find a compromise where they are satisfied, but you do have to consider those who are sitting on the other side of the table.” I remember when I first met Brian Cowen. He was appointed and I invited him to Hillsborough for a dinner just between the two of us. He said to me: “My job is to deliver the republicans and the nationalists, and your job is to clear the unionists out of the way.” It was a colloquialism on his part.

Lady Hermon: Clear them out of the way?

Lord Mandelson: His view was that I was there to persuade the unionists to accept whatever was agreed and his job was to deliver republicans and nationalists. That is not what I thought was the right characterisation, either of the situation or of my role, incidentally.

Q3008 Lady Hermon: Did he put pressure on you to deal with the OTRs?

Lord Mandelson: Of course. Everyone put pressure on me to deal with OTRs.

Q3009 Lady Hermon: But Brian Cowen and the Irish Government in particular.

Lord Mandelson: I would not say “in particular”.

Q3010 Kate Hoey: That really was my point: do you understand that there was a feeling amongst the pro-union community that the Irish Government were always there?

Lord Mandelson: Yes, I do understand that. I saw it as my job to rectify any imbalance that was created by the two Governments weighing in on one side of the discussion, as it were.

Q3011 Kate Hoey: Do you think you managed to do that during your time?

Lord Mandelson: Yes, I do. I think I did do that.

Q3012 Kate Hoey: Do you think that might have been the reason that you were asked to leave—that you were seen by the Prime Minister and Jonathan Powell as perhaps being not quite one of them, in terms of the solutions?

Lord Mandelson: I do not think it is that important an issue, and it is not something that I would terribly like to speculate about. I do not think it is germane to this discussion, but should you wish to pursue the inquiry yourself, you might read Jonathan Powell's book again.

Q3013 Chair: Lord Mandelson, you said you did not regret not signing the letters because it may have given them some special status. The letter by Mr Sweeny gave as important a status as could be imaginable, insomuch as it persuaded the judge to put a stay on a court case that was concerning multiple murder. It could not have a higher status than that, could it?

Lord Mandelson: You always with Northern Ireland—and, indeed, most issues—have to put yourself back into the particular time period and the particular circumstances. In June and July we were dealing with so many difficult and fraught issues. Policing reform was much more fraught than OTRs.

Q3014 Chair: But your fear would have been if you had signed the letter it would have possibly caused more aggravation on the other side. Is that what you meant?

Lord Mandelson: No, it is not what I meant.

Lady Hermon: You said, Lord Mandelson—I took it down because it was so striking—you were “happy” not to sign the OTR letters.

Naomi Long: Yes. “Frankly, I was happy not to.”

Chair: It was about the status it would have accorded the letters, which worried me, because I do not see how they could have had a higher status in the end, although, as you say, maybe earlier you have another reason for saying that. I am just trying to explore what that reason might have been in the past.

Lord Mandelson: To be honest, I was more focused at that stage, quite apart from Patten and normalisation—Patten was the main issue at the time—on preparing people, as I saw it, for the release of the prisoners at the end of July. You have to recall that when the

Good Friday Agreement was put together there was a tacit understanding—or perhaps it was an explicit one; I do not know—that in two years from the date of signing all these people would be released from prison under the scheme, and within the same timescale we would see the beginning of the decommissioning of arms by PIRA. We were not seeing the latter to the extent that I thought was justified and necessary. I am pretty sure I would have been focused much more on managing public opinion and the possible fall-out or reaction to the release of all these prisoners than on two individuals who nobody seemed interested in, and nobody seemed to care either way whether they returned or not. I am just giving you a flavour, I am afraid, of the realpolitik.

Chair: That is useful. Thank you.

Q3015 Jack Lopresti: Firstly, I would like to set the record straight. I was interested in my dear friend Lady Hermon waxing lyrical about the achievements of Prime Minister Tony Blair earlier on. I was just going to say the fact is it was John Major who started the process that led to the Belfast Agreement.

Chair: Can we perhaps have a question?

Jack Lopresti: Sure, but I just want to get that on the record, because it is an important point.

Lord Mandelson: That is something, incidentally, I always say when I am talking about the process. I always say it started with John.

Jack Lopresti: Thank you. Lord Mandelson, thank you for coming. There has been lots of talk during this inquiry—we touched upon it earlier on—about whether the scheme was secret or private. My understanding, from listening to the all evidence and reading the transcripts, is that the scheme was not secret in any classified sense. Would you confirm that to be your opinion?

Lord Mandelson: I do confirm that.

Q3016 Jack Lopresti: Would you also say the process was an integral, key part of the peace process generally?

Lord Mandelson: Yes, I would.

Q3017 Jack Lopresti: Knowing what we know now with hindsight, going back to when you were Secretary of State, would you still have been happy for those letters to have gone out while you were Secretary of State?

Lord Mandelson: Yes.

Q3018 Chair: You will be aware we are seeing Deputy Chief Constable Drew Harris later. We have seen him once already. When he was before us, he said that of the people who had

received letters, 95 of them were linked through intelligence—no more than that—to 200 murders, which he later corrected to almost 300 murders. That suggests that these letters did not perhaps go to innocent people. How does that evidence that he gave make you feel when you read it?

Lord Mandelson: It reminds me of a lot of things that I read in intelligence that was gathered. I ended almost every working day reading intelligence material, so it does not surprise me in the least.

Q3019 Chair: The Metropolitan Police last week or the week before told us¹² they have reviewed some of the cases and they do want to speak to some of these people. Surely people like that should not have received letters that could give them immunity from prosecution, as it did with Mr Downey. Surely those kinds of people should not have received letters; they should have been investigated.

Lord Mandelson: You are going quite far ahead from my time as Secretary of State. Should the whole process have been undertaken with more care, more manpower, more examination and re-examination and proper consultation between different police forces? Ideally, yes, because one mistake is one too many. However, I would just attach a health warning, and that is that intelligence is not evidence. I often had to maintain quite a sceptical position about some of the things that I was being asked to recognise, understand or infer from or conclude about based on intelligence, which, by definition, is incomplete. It is incomplete. If you get a snapshot of a conversation between two people, by whatever means, you should be careful about drawing a firm or general conclusion from one snapshot of a conversation or an exchange between two people. I oftentimes had to remind myself that perhaps an overly strong or emotional reaction on my part to a piece of intelligence has to have that caveat attached to it. I could have picked up or been presented with another snapshot later that day or a week later that might have created a different impression.

Q3020 Chair: Indeed, but if we go even further back, the solicitor Sinn Fein used at the time, Barra McGrory, who is now the chief prosecuting officer in Northern Ireland, told the Committee¹³ that in ordinary circumstances the police would have wanted to question some of these people. Without that statement and without Drew Harris's statement, you could say that we do not have an inquiry—if letters are written to completely innocent people, well, so what? However, we know that is not the case.

¹² A link to the transcript of the evidence session on 22 October 2014 with Mark Rowley, Assistant Commissioner for Specialist Operations, and Duncan Ball, Commander of the Counter Terrorism Command, Metropolitan Police Service, can be found here:

<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/northern-ireland-affairs-committee/administrative-scheme-for-ontheruns/oral/14626.pdf>

¹³ A link to the transcript of the evidence session on 10 June 2014 with Barra McGrory QC, Director of Public Prosecutions for Northern Ireland, can be found here:

<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/northern-ireland-affairs-committee/administrative-scheme-for-ontheruns/oral/10426.pdf>

Lord Mandelson: Are you saying that the political pressure—the pressure to do what you believe is good and necessary for the peace process—outweighs the strict application of the law or your consideration of the evidence and the test applied to it? Is that what you are saying?

Chair: They are your words, not mine, Lord Mandelson, but that is what we are trying to discover: did that happen and, if that did happen, who has got the authority to take that decision? Is that a legal decision for anyone to take? That is a question that we are looking at very closely.

Kate Hoey: Which is why we would very much like the former Prime Minister to appear.

Chair: Thank you for that.

Q3021 Lady Hermon: A number of issues have popped up while you have been giving evidence in response to questions from my colleagues. I am assuming the answer to this will be yes. When Lady Justice Hallett's inquiry was set up, you were obviously asked to go to talk to Lady Justice Hallett.

Lord Mandelson: Yes.

Lady Hermon: The reason I asked that is I was very struck by your response to the questions around the use of the royal prerogative of mercy. You emphasised the fact that they were not pardoned, which are the exact words that were used in the Hallett Report: "They were not 'pardoned'". Do you think it is appropriate that the royal prerogative of mercy should be used in the circumstances of such political considerations as how we keep Sinn Féin happy on OTRs? Your term as Secretary of State was quite short—that is a matter of regret, personally—but out of the 13 OTRs who received the benefit of the royal prerogative of mercy for ever and a day, four of them were during your time as Secretary of State.

Lord Mandelson: I believe that each of them was justified. I think I was right—

Q3022 Lady Hermon: Sorry, you believe each of those was justified? You do know that there was a problem with one of them, a gentleman who received the royal prerogative of mercy but—and it is in the Hallett Report—was later found to be connected with an alleged murder.

Lord Mandelson: I should have been clearer. In the light of the information that I had at the time, I think each of them was justified. People were convicted, escaped and served time in the Republic. If they had stayed in Northern Ireland, they would have been released in July via the early release scheme. For those people, I think I was justified. The only qualm I had, if you really want to know—

Lady Hermon: Yes, we do.

Lord Mandelson: —is that I did not like using an instrument that was linked to the Queen.

Q3023 Lady Hermon: Just elaborate upon that a little more. It was inappropriate to ask Her Majesty to sign on something that was politically motivated.

Lord Mandelson: No, it was not inappropriate.

Kate Hoey: Tasteless.

Lord Mandelson: I cannot remember how many of them now, but I remember distinctly shortly before Christmas in 2000 one of these was going to come to light.

Lady Hermon: There were four in December 2000.

Lord Mandelson: All together just before Christmas?

Lady Hermon: Yes. “In December 2000 four of the OTR cases under consideration appeared to present a particular problem”—and then it goes on to explain about the royal prerogative of mercy having been used for them. It is in the Hallett Report.

Lord Mandelson: Strictly speaking, it was entirely appropriate and justified to use the royal prerogative of mercy. Would I have preferred to find some other instrument to achieve the same outcome? Yes, I would.

Q3024 Lady Hermon: Why were you unhappy about the Queen being involved in this?

Lord Mandelson: I just was.

Lady Hermon: Because it was being used for political purposes. Her Majesty was being used for political purposes in Northern Ireland by being obliged to sign.

Lord Mandelson: But not inappropriately and illegitimately. I am sorry; it was used in a completely appropriate way.

Q3025 Lady Hermon: So, it is alright for political considerations.

Lord Mandelson: I should never have said this in the first place, because it is just getting me into a discussion that I cannot at the moment see my way out of. Just give me a bit more time and I will try to devise a way of bringing it to a conclusion. Did I feel happy about, as it were, using the Queen’s name to do this just before Christmas? No, I did not. Did I have any alternative? No, I did not.

Q3026 Lady Hermon: Lord Mandelson, you have been a fascinating witness. I would not wish you to think that you should regret something you have said. You have been very open and very frank with us and we appreciate that. We do appreciate that. In that line of thought, would it not be appropriate for us and the public of Northern Ireland to know the names of the 13 who received the exercise of the royal prerogative of mercy? You are confident that it was appropriate in the circumstances. I am just reading again from Lady Justice Hallett’s report; there was no publication of its use.

Lord Mandelson: Are these things not gazetted?

Lady Hermon: No, they were not. That is the whole point. There is no legal obligation to publish the exercise of the royal prerogative of mercy, and thanks to Kate Hoey—

Kate Hoey: We do it in the rest of the United Kingdom.

Chair: As we understand it, they are in Great Britain.

Lady Hermon: Yes. I am quoting from paragraph 55 of Lady Justice Hallett's report: "hence there was no publication of its use for the 13 OTRs", four of them in your short but distinguished time as Secretary of State.

Lord Mandelson: I remember them very well indeed.

Q3027 Lady Hermon: So, you would have no objection to the names being published, even at this late stage. What harm could it do at this late stage?

Lord Mandelson: I do not know what harm it would be. There must be a reason for their not being published.

Lady Hermon: It is called a cover-up.

Lord Mandelson: I am not sure that it is called a cover-up. I am not sure what the reason is. I must say I do not remember being aware of the fact that they were not going to be published. I thought that they were gazetted.

Q3028 Lady Hermon: Thank you. Your assumption was it was public knowledge. But to our surprise, as Kate Hoey has discovered, in the case of Northern Ireland we do not know the names of the OTRs who benefitted from the royal prerogative of mercy.

Lord Mandelson: I am not saying they should have been made public; all I am saying is that I am surprised that they were not.

Q3029 Lady Hermon: Yes. You had an assumption that they would have been made public; therefore, there could be no justification for not disclosing them. Correct? That is the logic.

Lord Mandelson: I thought that the exercise of the royal prerogative in all cases was public, because I assumed it was made known through the Gazette. I do not know why it was not; I am sorry.

Q3030 Lady Hermon: You painted a very lively picture of meeting with the then Foreign Affairs Minister for the Irish Republic and your lunch and your discussions and all the rest of it. Could you just confirm whether dealing with the OTRs was a trade-off for

decommissioning by the IRA? Was it a trade-off in those discussions, or was it a standalone issue? You have talked about normalisation in South Armagh.

Lord Mandelson: No. The republican leaders always said that “if you want a confidence-building measure”—which, as you know, was how they described decommissioning—“it would be easier to deliver if you were to engage in your own confidence-building by dealing with OTRs”. That was a recurring discussion but, recurrently, I had to explain why, the state of the law as it was, without any amending legislation, it simply was not possible to do what they wanted. We could act in certain respects in respect of certain individuals, and I was able, as I have said, to cancel the extradition cases and to use the royal prerogative of mercy in the way that I did. From their point of view, it was sub-optimal. Whether that directly led to them not proceeding with decommissioning in the way that we all wished and hoped they would do, I do not know. I think the other issues that were top of their agenda, notably peace reform and security normalisation, were more important.

Q3031 Ian Paisley: Lord Mandelson, again thank you very much for being so candid with us. It has been appreciated. When you look back over the volumes of information that helped put this in place and the fact that, with a swipe of a pen, the current Secretary of State has annulled all of this and put these letters out of existence, what do you say to the victims of John Downey and, indeed, to the other victims—I am mindful that some of them are watching this—about the hurt that has been caused by this entire episode, given that your fingerprints are there near the beginning of this?

Lord Mandelson: That is a bit of a stretch that you have made there, with respect. I do not think my fingerprints, as you have put it, are on the Downey error and the offence it has caused. I do not think I had a bad record when I was Secretary of State in talking to victims’ families and addressing their concerns and their needs. I remember a time during the entire period when, for example, some people felt that the Omagh bombing, however ghastly and disgusting it was, was not something that we could undo and that somehow we should move on. That was never a view of mine while I was Secretary of State, because I went to Omagh and I talked to victims’ families—they came to my office; they came to Hillsborough; I went back to them—and I never believed it was possible, and certainly it was not appropriate, to move on from these terrible atrocities.

It is easy for me to say and to claim that the families of victims and their friends were uppermost in my mind. I tried never to put them out of my mind, but I also had a responsibility for sustaining a peace process and sustaining a new means of government in Northern Ireland that I believed would put an end to the violence, the Troubles and the creation of further victims and their families in the future. I did that. I did it consistently; I think I did it in a principled way. I know not everyone thinks that I was entirely helpful all the time or that I was overly inflexible or whatever, but I think I kept the right balance in my head over these matters and, at the end of the day, I did right by everyone—including, incidentally, republicans and nationalists, even though they may not be the first to acknowledge that now.

Q3032 Ian Paisley: On this issue, you have no regrets.

Lord Mandelson: No. I do not have a regret in trying to find a way through the problem of OTRs, which, in my view, I did in a sensible, proportionate and principled way.

Q3033 Dr McDonnell: Thank you, Lord Mandelson, for your evidence. It is fascinating. Thank you also for the contribution you made to the peace process. I might not always have agreed with you. There were a couple of very minor points. You said the SDLP whacked you over Patten, and that worried me.

Mr Anderson: He meant it as a compliment.

Lord Mandelson: Whacked me? It is a colloquial expression. I was always being whacked by Seamus Mallon over Patten.

Q3034 Dr McDonnell: Was he not right to get the Patten proposals into action? Was it not right to push them?

Lord Mandelson: He did, and I enacted them.

Q3035 Dr McDonnell: Yes, and we appreciate that. The other thing I want to tease out is: a lot of our debate here has been around secrecy, confidentiality and all the rest.

Lord Mandelson: And trust.

Dr McDonnell: Yes. The reality is that everybody knew on-the-runs were an issue, but nobody knew what solutions had been put on the table. People knew it was a boiling issue. Again, you seemed to imply that somewhere or other the SDLP knew what the solution was and were aware of the letters and all the rest.

Lord Mandelson: Those letters were not a solution. We have never found a solution to OTRs. We have followed a piecemeal and selective procedure, or scheme; we have never found a complete solution to the issue of OTRs.

Q3036 Dr McDonnell: Were you implying earlier that the SDLP were fully aware of the outcomes?

Lord Mandelson: I think I can pretty readily say that those leaders of the SDLP who I saw most regularly—and Seamus certainly I saw more than others—would have been aware of the way in which I was handling the issue.

Q3037 Dr McDonnell: Yes, but they were not aware of the letters.

Lord Mandelson: That is not to say that they knew of every piece of the machinery or any letter. I felt in a way, in talking to SDLP leaders, that I was getting my bearings of what was acceptable and what was not acceptable—how far I needed to go and where to draw a line. The SDLP leaders helped me in determining that, because they were pretty level-headed, they were pretty in touch with what was going on on the ground, they had a very clear sense of republican methods and motives, and they had a pretty shrewd idea of what the public reaction in Northern Ireland would be to one policy—or one option—or another. I always found talking to them very useful.

The problem with police reform is that, whilst Chris Patten was very prescriptive in general terms about what reforms he believed should be introduced, within that there was detail, there were some unanswered questions and there were some threads that were not tied up properly, and that fell to me to make judgments about. Sometimes the SDLP and Sinn Féin thought that I was tying those threads or interpreting things or bringing detail to his general prescription in a way that was not right or did not go far enough or was unfair or whatever. I remember we had a particularly fraught time over the new badge of the Police Service of Northern Ireland. I felt that that new badge should embrace a symbol relating to the past sacrifice of the RUC. Not everyone took that view. It was mightily chewed over but, in the end, I think that I called it right. When I talk about the SDLP whacking me round the head, it was on different issues where they thought that I was not coming down firmly where they wanted me to come down, and they were going to give me a hard time over it. The hard time that the SDLP gave me, I can tell you, was nothing compared with what I was subjected to—the length and breadth of the Falls Road—by Sinn Féin when they wanted to get their metaphorical claws into me.

Q3038 Dr McDonnell: I thank you for that, because what I have taken from it is that the SDLP were very useful in giving you the background—

Lord Mandelson: The SDLP were doing their job.

Dr McDonnell: Yes. But they were not privy to the act of out-working of the on-the-runs. That is what I want to establish.

Lord Mandelson: I think in general terms they were, but perhaps not in respect of every specific letter.

Chair: We will have to finish there. Lord Mandelson, thank you very much for joining us.

Q3039 Lady Hermon: Chairman, can I just put one thing on the record in relation to the Patten reforms? You have mentioned the RUC. It has always been my belief, Lord Mandelson, that as Secretary of State you were instrumental in the George Cross being awarded to the Royal Ulster Constabulary, and for that I am enormously grateful. I speak for many in saying that on the record.

Lord Mandelson: What you say is true. I was, but nor would I say there was much resistance, certainly not from my other colleagues in the Government.

Chair: We will have to leave it there, but thank you very much for the evidence you have given. Thank you.