



Northern Ireland Affairs Committee

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

Tuesday 13 January 2015

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

Questions 3654-3789

Witness: **Rt Hon Tony Blair** gave evidence.

Q3654 Chair: Thank you very much for joining us today, Mr Blair; you are very welcome. As you know, we have been conducting an inquiry into the “on-the-runs” administrative scheme. We see you as a very valuable witness, so thank you for coming. I understand that you want to make a brief opening statement.

Tony Blair: No; actually, I would rather just go straight into it.

Q3655 Chair: Okay. I invite you to tell us about the administrative scheme. Where and why did it start and what was your role in it? That would be useful to know.

Tony Blair: We included in the Good Friday Agreement a provision that was very controversial and very difficult, but absolutely essential for there to be an agreement to set a framework for the peaceful resolution of the conflict in Northern Ireland. Part of the agreement was to do with prisoners and the release of prisoners—people who had been convicted of serious terrorist offences but none the less were going to be released as part of the agreement in order to try to put the past behind us. That was an integral part of the agreement. It was very controversial and very difficult—probably one of the most difficult aspects, if not the most difficult aspect of the agreement.

After we had made that agreement, an issue arose relating to those people who had not been convicted but might be wanted for terrorist offences and who were not subject to the prisoner release scheme. It became a very core demand of Sinn Féin and the Republicans that we should deal with those people, because if you are releasing people who are convicted terrorists from prison as part of a way forward for peace, how are you going to deal with those people who have not been convicted but might be wanted in respect of

terrorist offences? That began as a small number of cases, then grew over time to a large number.

The idea from the very beginning was to try to deal with it by way of a comprehensive scheme, so that you would have a proper and full way to deal with all those people—those people who might be wanted for questioning or who might be charged, and also those people in respect of whom the prosecuting authorities might decide that there is insufficient evidence to charge them—that is, anyone who might be roughly within that category of people who could be wanted in respect of terrorist offences but had not been convicted. They were known colloquially as the “on-the-runs”.

Essentially, over the period of time that I was Prime Minister we tried to find a way to deal with it comprehensively, but were unable to do so. What we were able to do was review those cases, or have the prosecuting authorities review the cases of people who might or might not be charged, and then those people whom the prosecuting authorities decided that they did not want to charge would be informed of that decision.

I gave evidence to and have read in depth the Hallett review; I would adopt it completely. It is a sensible, fair and balanced review of what has happened. I think it gives a pretty accurate account of how this evolved over time into what was effectively a scheme for dealing with these people. It was not an amnesty, it was not secret, but it none the less dealt only with part of the problem that we had to deal with.

Q3656 Chair: But it wasn't in the Belfast Agreement. Was it in the Belfast Agreement discussions?

Tony Blair: I think it really only arose after those discussions.

Q3657 Chair: It arose after and Sinn Féin raised it with you.

Tony Blair: Yes, and to begin with—I think there was a particular case that was raised at the very beginning, which was one specific individual, and we could not actually resolve that case at all. Then they started a process whereby names would be put forward, but this scheme applied to people whom the prosecuting authorities had decided were not going to be prosecuted. It is very important to realise that, right from the outset, our desire and focus for on-the-runs was to bring into place a general scheme that would apply to everybody, so it would be almost like the equivalent of what was in the Good Friday Agreement in respect of convicted prisoners, but we were never able to find a way through that so we dealt with it by this administrative process.

Q3658 Chair: Some people will be confused. If the police thought that they had intelligence or evidence against somebody, surely the normal way would be that the person went through the courts and was either convicted or released. Why did that present some difficulty? After all, those who had been released from prison had at least gone through the judicial process.

Tony Blair: Sure, but the prosecuting authorities will go through a process of reviewing the evidence to see whether they think it is right that someone is actually prosecuted so—

as I think the Hallett review finds—this was a perfectly lawful process, but we wanted to try to deal with these cases. I emphasise that this, all the way through, was not the way Sinn Féin wanted it dealt with. I understand why, as a result of what has happened, people looking at this now look at it as if the focus was all on these cases. The lens through which we are looking at this now is literally 180° the other way from the lens we were looking through at the time. At the time, we were trying to find a resolution of the on-the-runs issue which, so far as we were concerned, was predominantly about people who actually would be convicted if they went through this process. We were never able to find a way through that. We were dealing with some of these other people—some of them, by the way, were people who I do not think the Northern Ireland authorities were even aware of—administratively. We were not changing the law to deal with them; we were simply applying it.

Q3659 Chair: You have seen what happened with Mr Downey. It has been described as a catastrophic error. Since then, we have been advised that two people who the police feel might be connected to the Kingsmill massacre received their letters, and Deputy Chief Constable Drew Harris told us that 95 people had received letters—95 are connected through intelligence to almost 300 murders. That is a very serious situation indeed. You could not have envisaged that happening, could you?

Tony Blair: The 95, and the 300 murders—I simply do not know about that.

Q3660 Chair: That is a public record given in evidence to this Committee.

Tony Blair: Right, but it would depend. I mean, the fact that there is intelligence in respect of people does not necessarily mean that you would have a court proceeding.

Q3661 Chair: No, but you surely would be uncomfortable writing to somebody who the police had intelligence on.

Tony Blair: Look, that is handled by the police. In other words, they have to decide whether there is sufficient evidence to prosecute somebody. Now, where I completely understand what the Hallett review says and I adopt it—it is a perfectly sensible, balanced and measured report—is that as this developed over time, it would have been better to have called it an administrative scheme openly and to have put a better structure around it. In so far as, generically, I am the Prime Minister and I am responsible for the entire Government, I take responsibility for that. Lady Justice Hallett says that might have meant that the error in the Downey case would not have happened. That obviously should not have happened because no such letter should have been issued in that case. I totally understand the feelings of people who say, “In respect of the criminal offence and the terrorist offence where a member of my family lost their life, they should not have had the letter and, as a result of this scheme, they got a letter”, or, “As a result of the misapplication of this scheme, they got a letter.” I understand that completely.

I simply say two things to you about this. The first is that I defend completely the issuing of these letters to people who the prosecuting authorities had decided were not going to be prosecuted and charged because, had we not been doing that, we would have had literally nothing in respect of the demand to deal with the whole on-the-runs issue. The second thing I would say to you, and reviewing the papers again as I have over the past few days for giving evidence here, is that this issue of on-the-runs was absolutely critical to the peace process and at certain points became fundamental to it. If I had literally been saying, “We’re not dealing with this at all, in any way at all,” I think—you can never be sure of these things—it is likely that the process would have collapsed.

Q3662 Chair: By that you mean that Sinn Fein would have walked away?

Tony Blair: Correct.

Q3663 Chair: Lord Mandelson gave evidence—he was a very good witness—to the Committee. His view was that of course you can’t be sure, but they would not have walked away. He was there, right at the centre of it. He was a very pivotal Secretary of State, as I am sure you would agree. His view was that they would not have walked away.

Tony Blair: I don’t know whether they would have walked away at the time when he was Secretary of State for Northern Ireland. At the beginning of this process, when we were first dealing with this in 1999, it was absolutely crucial. Towards the end, it became absolutely central to getting Sinn Fein on board for policing. If we hadn’t got the deal on policing, we could not have set up the institutions as we did finally in May 2007 and we wouldn’t be where we are today.

I simply say this to you: the purpose in everything we tried to do was to create peace in Northern Ireland so that there weren’t more victims of terrorism and more families distressed at losing loved ones as a result of that terrorism. When we decided in the Good Friday Agreement that we would release convicted prisoners, no one felt anything other than repugnance at releasing people from prison who had committed serious criminal offences. But we would not have got a deal in Northern Ireland, we would not have peace unless we had put that provision in the Northern Ireland agreement. Once you do that, this issue of what you do about people who are so-called on the run and who have not yet been convicted has to be dealt with.

I understand the depth of the feeling, but I have to emphasise that I was dealing with this pretty much week in, week out and at crucial points of this, this issue was absolutely vital to the continuation of the Northern Ireland peace process.

Q3664 Ian Paisley: Thank you for turning up, Mr Blair. We are disappointed that you are only giving us an hour; it means that my questions have to be rather direct. I’m not used to direct questions—

Tony Blair: The original suggestion for an hour came from you. If you need more time, I’m very happy.

Chair: I wish you hadn't told them that, Mr Blair.

Tony Blair: Well, I know it's a dangerous thing to do, but I doubt that will stop you being any less direct.

Q3665 Ian Paisley: That is a concession we welcome today

I want to bring this back to the victims because the victims in all of this have actually been lost. Behind you in that Gallery are the victims of the Hyde Park bombing, and their families—there are many other victims from Kingsmill and many other massacres across Northern Ireland—and there are people there whose families are part of the 300 victims of the 95 people who received letters. I wonder if you want to take an opportunity now to turn around to those victims and apologise to them for the catastrophic error that your Government was involved in that allowed for someone—a fugitive—to evade justice and for several other fugitives to continue to carry with them a letter that got them off the justice hook?

Tony Blair: I said to you a moment or two ago that I adopted what was in the Hallett review, and I do. I accept full responsibility—because I am the Prime Minister I should accept responsibility for everything that happens in a Government of which I am the Prime Minister—for not having put in place a structure for this procedure that might have meant in the Downey case, as Lady Justice Hallett finds, that the letter would not have been sent and therefore the trial would have proceeded. For that, I take responsibility and I feel sorry for those people—

Q3666 Ian Paisley: Yes, do you apologise?

Tony Blair: And I apologise to those people who have suffered as a result of that. But I am not going to apologise for sending those letters to those who should have received those letters because without having done that, we would not have a Northern Ireland peace process in place today.

Q3667 Ian Paisley: So you are apologising for the error, but not for the process.

Tony Blair: Look, these people have suffered enormously from what has happened. The reason I spent time and effort—I think I am justified in saying beyond what any Prime Minister before me or since me has done on Northern Ireland—was so that more victims of terrorism and more families would not suffer. If we did not have a Northern Ireland peace process, right at this moment when, as we can see from events elsewhere, we are dealing with this issue of a new form of terrorism, we would still be dealing with terrorism from Northern Ireland today.

Q3668 Ian Paisley: Mr Blair, I do not doubt your interest in, or your love or your compassion for, Northern Ireland as a former Prime Minister. No one is doubting that. We are not questioning that today; I am questioning the method and a policy that, unfortunately,

allowed someone to evade justice, and you were the Prime Minister at the time who allowed that to happen—inadvertently, maybe, but it was a catastrophic error on your part. I welcome the fact that you have said sorry for part of that process. Theresa Villiers has apologised on behalf of the role of her Government, and I think that is important. Your former spokesman, when he was in front of us, did not apologise and would not apologise for it, so I think it is important today that you have said that.

Could I ask you about your relationship with Mr Adams? Obviously, you had a very important relationship with Gerry Adams. You engaged in correspondence that was the genesis of this on-the-runs process. Did your fondness for Mr Adams tarnish or help you lose perspective on the sort of arrangement that needed to be put in place, which made you ask the Attorney-General to keep going a step further and a step further when he had already given you advice that this was a step too far?

Tony Blair: First, I want to correct something that you said earlier. I do not apologise for the policy of people being informed that they were not wanted for prosecution.

Ian Paisley: I heard that. You do not need to go back to that question. We are on a different question.

Tony Blair: I know, but there is a very clear difference between apologising for a mistake and apologising for a policy.

Ian Paisley: I have heard you on that.

Tony Blair: My friendship with Gerry Adams. Look, I dealt with many people in the Northern Ireland peace process—Gerry Adams, Martin McGuinness, David Trimble and your father, Ian—for whom I ended up having a respect because they were people who were prepared to do difficult things in the interests of peace.

Q3669 Ian Paisley: Did you lose perspective because of that fondness?

Tony Blair: It is not a fondness; it is a—

Ian Paisley: Sorry, but I just want to quote from your autobiography. You have said it was not a fondness, but this is what you said in terms of Martin McGuinness and Gerry Adams: “They were an extraordinary couple. Over time I came to like both greatly, probably more than I should have, if truth be told.” Truth is being told today. You liked them greatly, so it was fondness.

Tony Blair: There was no question of whether I liked them or did not like them impacting on what I was asking the Attorney-General to do.

Q3670 Ian Paisley: Yes, but these people whom you liked greatly were members of the Provisional IRA army council and were responsible for taking the decision to blow up Hyde Park and to murder citizens in our nation. You liked them greatly. Did that affect your judgment in dealing with them on this issue because they kept pressing you and pressing you

and pushing you, and they were nice guys? You were on the sofa together. Was it nice that you could get a deal around this issue of on-the-runs?

Tony Blair: Ian, without dealing with this issue, which has got nothing to do with whatever personal relationship I might have—I like them, don't like them or whatever—we would not have had a Northern Ireland peace process. Let us be very clear about this, because it is a point of absolute division between us. You would not have voted—in fact didn't—for the Good Friday Agreement. You would not have supported the provision releasing convicted prisoners, never mind people who might be convicted. You would not have voted for that.

Q3671 Ian Paisley: Let me just say that it is democracy. How I vote is my business.

Tony Blair: No, I am sorry. In this instance, it is not your business.

Ian Paisley: It is my business.

Tony Blair: When you are questioning me as the decision maker, you sit in the decision-making seat for a moment. How many people around this Committee, if they had been negotiating the Good Friday Agreement, would have put their hands up to release convicted killers from prison? Probably not a majority on this Committee, but I am telling you: without that provision in the Northern Ireland agreement, we would not have had peace.

Q3672 Ian Paisley: We are not talking about the Good Friday Agreement or the release of prisoners. We are talking about something that emerged post the Good Friday Agreement—a secret or confidential private agreement between yourself, Gerry Adams, a member of the IRA's army council, and Gerry Kelly, which allowed letters to be delivered to assumed fugitives from justice and that now has resulted in one of them being able to get off for mass murder. This is not the Good Friday Agreement rehashed. This is an issue that has emerged as a result of the Good Friday Agreement. All the evidence that we have taken, Mr Blair, from three Chief Constables and from politicians—with the exception of Shaun Woodward—has said that the IRA was not going to go back to violence at the time of this discussion on the OTRs. That is where your theory falls down.

Tony Blair: Of course the issue of on-the-runs is linked to what is in the Good Friday Agreement. The reason why on-the-runs is an issue is that if you are releasing people who have been convicted of terrorist offences, there is obviously going to be a question about people who might be prosecuted for terrorist offences. If you are releasing the ones who were convicted, you are obviously going to have to deal with the issue of those who might be convicted. There was a further category, actually, of people who, for various technical reasons, were not covered by the prisoner release scheme but, in logic, should have been. The on-the-runs is intimately connected with the provisions of the Good Friday Agreement.

Q3673 Ian Paisley: My final question to you, Mr Blair, is this: we have learnt about this arrangement—this rather unsavoury debacle over on-the-runs. Do you want to take the opportunity now to tell us of any other arrangement that may have been in place that allowed criminals to get off with their activity? Is there, for example, an arrangement between the Department for Transport and criminals involved in smuggling fuel, which allows the former IRA criminals to line their pockets with money as a result of smuggled fuel?

Tony Blair: Ian, there was a provision in the Good Friday Agreement that allowed people convicted of terrorist offences to go out of jail. It very nearly sank the entire agreement.

Q3674 Ian Paisley: Are there any other private arrangements?

Tony Blair: No, and this was not a private arrangement. Look, you may not like the Hallett review, but it was an independent review by Lady Justice Hallett.

Ian Paisley: I gave evidence to it.

Tony Blair: I appreciate that you gave evidence; so did I. It found that there was no secret and there was no deal.

Q3675 Ian Paisley: Let's just be clear—"secret" means that it is not an MI5 secret. It is a confidential arrangement. Let's not hide or dance around the interpretation of that word.

Tony Blair: I am not dancing around it. I actually have parliamentary questions in front of me, including one from 2002 from the Conservative party spokesman on Northern Ireland, in which he asks about these arrangements and is given an answer by John Reid, who was then Secretary of State. It was also referred to in the Eames-Bradley report.

Q3676 Ian Paisley: So you are saying that there are no other secret deals in place.

Tony Blair: It was also referred to by—

Ian Paisley: I want to come back to my question, not the Hallett review.

Tony Blair: But it was not secret; that is the point.

Q3677 Ian Paisley: Yes, but are there any other secret deals that you are aware of with regard to the Department for Transport and allowing criminals who smuggle fuel to get off with that?

Tony Blair: I have no idea what you are talking about, but in any event, this was not a secret deal.

Ian Paisley: It is a multi-billion pound racket and has been for years.

Chair: We have had an answer on that, so I am going to move on.

Q3678 Naomi Long: Perhaps I could explore some other areas of this. To be clear, I voted for the Good Friday Agreement. I did so after great difficulty because of the prisoner releases, but I believed, as you did, that on balance it was a price worth paying to move the process forward. However, this was not an extension of the Good Friday Agreement. With the Good Friday Agreement, people were actually tried and convicted, and justice was therefore not corrupted. People were then released on licence—not allowed to go free, but released on licence—and were therefore still able to be returned to jail if they reoffended.

In this case, the concern in dealing with the issue of on-the-runs would be that there was no amnesty. Is it correct that at the time when this was being discussed, proposals were put forward that detailed an alternative process to an amnesty? That process would have allowed people who were on the run to come forward, face the justice system and then go through the early release system that had been agreed by a majority of the population in the Good Friday Agreement. That was a proposal on the table at the time. Is that correct?

Tony Blair: Yes. There were masses of proposals that came forward. There were proposals all the time.

Q3679 Naomi Long: Was that one of them?

Tony Blair: That was one of the proposals, but we could not get agreement on it, Naomi. We couldn't get agreement on it. It is really important, because of the way this has been misinterpreted and misunderstood, that the cases we are talking about today are cases of people where there has been a consideration by the prosecuting authorities and a decision that they should not be charged. We are not talking about the cases where they considered the evidence and decided that they should be charged. The reason the Downey case was a mistake is that that case was put in the former category when it should have been in the latter category, but the very existence of that distinction is what shows you that this was not an amnesty. We tried everything we could, and I am open about this. Everyone was open about it. I have read some of the discussion on this issue. You would literally think that on-the-runs was something that no one had heard of before. We were debating it the entire time.

Q3680 Naomi Long: With due respect, that is not the premise of my question. My premise is that this was a matter that was being debated. Indeed, proposals were being brought forward. I understand the distinction between the two groups, to be clear. I am starting my questions by clarifying that there were proposals originally on the table that would have allowed people to avail themselves of the scheme as per the Good Friday Agreement, provided they were willing to do what those who were released under the Good Friday Agreement prisoner release scheme did, which was to face justice.

Tony Blair: Yes, absolutely, and we would have gone with that if we could have secured agreement, but the reason I picked you up on the distinction is that you suggested at the beginning of your question that somehow the people we are talking about had not gone through a due process of law, and they did.

Q3681 Naomi Long: No, let us be clear. The people I am talking about who were released went through a due process of law. The people who were given these letters actually did not go through a due process of law; they simply received a letter to say that at that point in time there was not evidence that would allow them to be prosecuted.

Tony Blair: I am sorry, but that is not correct. They did go through the due process of law. Their cases were considered by the prosecuting authorities. This is what the Hallett review finds. You know, we have an independent review into this and it finds—

Q3682 Naomi Long: And we are undertaking our inquiry, so it is our questions that require to be answered, not those placed by Hallett.

May I ask a question with respect to the issue of the letters themselves and how those came about? Were you concerned at any time, when lists of names were being presented to you, to seek clarification as to whether there was sufficient evidence to pursue a prosecution? In giving some people an indication that there was not, implicitly you were giving other people an indication that there was sufficient evidence to pursue a prosecution against them, and therefore assisting them in evading the law by not returning to the jurisdiction.

Tony Blair: This is a very difficult situation. There were lists of people being put forward to us, some of whom, as it turns out, were not even known to the authorities, but thought that they were and therefore were not coming back. What we had was essentially a process or procedure by which we said to the prosecuting authorities, “If people aren’t wanted, inform them that they are not wanted.” And there were people, I think, who were then informed if they were. I understand all the difficulties that people have with that. This was not a perfect set of circumstances, and that is why I am perfectly prepared to accept the critique that is made in the Hallett review.

We were trying to deal with this situation where, as I say, all the focus at the time was not on how we were trying to deal with these cases, because Sinn Féin was saying to us throughout, “This is completely inadequate and wrong, and you promised that you would deal with the actual on-the-runs.” All my focus was on whether it was possible to put together a proper scheme to deal with the problem in its entirety. In the end, we were never able to do that, and we therefore never actually had the deal.

Q3683 Naomi Long: And with respect to my question, were you concerned that in informing some people that there was not sufficient evidence to prosecute, you were implicitly informing others that there was sufficient evidence to prosecute and assisting them in staying outside the jurisdiction and evading prosecution?

Tony Blair: No, because I think it is perfectly acceptable to tell people that they are not wanted if they believe that they are, and if the authorities actually do not want them for questioning. In the context of the Northern Ireland peace process, I think that that was a perfectly reasonable thing to do, which is why I don’t actually accept that the process itself was wrong or unlawful. To go back to the point I made just a moment or two ago, there

was never any decision—we would not talk about it—but the whole focus of the issue was on the bigger question, which we were not able to resolve.

Looking at it now, you have literally turned the lens the other way round, so we are focusing on all those cases dealt with by administrative procedure. All I am telling you is that, at the time, that was not the issue. At the time, the issue was the fact that you have already released people, who have actually been convicted, under the Northern Ireland peace agreement. Sinn Féin was saying, “It is essential for us to be able to provide comfort for those people who are still outstanding in circumstances where you are wanting us now to give Sinn Féin support for policing in Northern Ireland.” That is the reality. Whether you agree with it or not is another matter.

Q3684 Naomi Long: If I could, I would like to ask another question. You have discussed secrecy—can you tell us which parties you told about the administrative scheme and the issuing of letters?

Tony Blair: As I have just said, there were Secretaries of State who actually talked about the process, and I can read out to you exactly what they said, but I said a moment or two ago—and I agree, which is why I accept the Hallett report—that in retrospect, it would have been better if we had realised that we should have looked at this administrative procedure as a separate thing. Then we would have probably put in a different structure. It evolved. As an idea, it evolved over time. It is not that we decided not to tell people, but it just wasn’t the focus, especially for me, frankly—I was dealing all the time with the bigger demand that we couldn’t satisfy. Of course, as the Hallett review finds, in retrospect, if you look back at this—by the way, I think that if we had done that, people would have accepted it. When people say, and I know that there are people who are saying, “I literally had no idea anyone was being informed of this,” I have to tell you I’m surprised, because when people were asked questions about it, they answered them. But anyway, that’s another issue.

Q3685 Naomi Long: You were aware that the PSNI itself, which was part of the process, was unaware of letters being issued?

Tony Blair: Well, I was aware that people had been informed.

Q3686 Naomi Long: For the scheme not to be secret, it was certainly not transparent—it was opaque at best.

Tony Blair: It was transparent. People were being informed. I have just adverted to the answer that John Reid gave in answer to the Conservative party spokesman at the time in 2002, who, by the way, asked specifically about the number of cases that had been dealt with under this procedure, and got an answer. My experience in Northern Ireland is that people look at these things pretty carefully, but I suspect that the people at the time were also concentrating far more on the big question about how you deal with on-the-runs, and the administrative procedure to deal with people who, I stress again, the prosecuting authorities decided should not be charged, and informing them that they are not going to

be charged, was obviously of far less political salience, frankly, because it was an issue where you were going through the process of the law—you weren't changing the law.

Q3687 Naomi Long: I have two more brief questions. The first is on clarity and how aware the public and public representatives were of the administrative scheme. In evidence given to the Committee, a number of victims' groups said that the scheme in and of itself is not the thing that has caused them the most hurt; what hurt the most was being kept in the dark about the fact that the Government had done the deal to issue the letters and not being told that the process was ongoing. That made them feel betrayed and distrustful of Government—of not only your Government in its term, but Government more generally. Do you accept that that lack of transparency has caused and contributed to a lack of trust between parties and, crucially in this case, has compounded victims' hurt?

Tony Blair: The hurt is very real, but I'm afraid I think that the most significant part of it is people being told that there was some secret amnesty deal that the Government did, which it did not do. We have had mixed into that two categories that should absolutely be kept separate, but I have read a lot of the media coverage of this and they are absolutely not separate in that coverage. They are the people whom the prosecuting authorities had decided should not be charged and those people who might be. The truth is that, for many of the victims, this is all put together in one package called "Secret amnesty that the Government did—a deal with Gerry Adams and Sinn Féin," and it's just not true. If you go back and look at all the correspondence and information discussing this, the fact is that Gerry Adams and others from Sinn Féin were saying throughout, "You've let us down. You told us and announced publicly that you were going to deal with on-the-runs and you haven't."

Q3688 Naomi Long: You are not in any way implicating—if you like—the victims for their lack of understanding of the process, are you? Their hurt is real and the scheme was not publicly known. Even those who were close to the scheme—as I said, the PSNI and others—were not clear about the methods that were being used. Indeed, there are Members who will question you later who asked questions about this and did not get transparent answers. They will no doubt ask you their questions in their own good time. Would you accept that the lack of clarity, transparency and openness with victims has compounded their hurt? Not simply how it has been communicated, but actually not giving them that information at the outset.

Tony Blair: There is a whole issue here about what is the right information to give to the victims of a terrorist offence in circumstances where the prosecuting authorities have decided that they are not going to charge someone. With the benefit of hindsight, as the Hallett review says, it would have been better if we had thought these things through and decided how to deal with it. I do not quite know what conclusions we would have come to on that.

I do not want to diminish in any way the hurt that people feel. I am simply trying to say to you that the reason for doing everything that we were doing was to make sure that there were not more victims of terrorism. Almost 4,000 people lost their lives during the Troubles. The whole purpose of the peace process was to bring it to an end. It was difficult and on a knife edge throughout, and there were points during the course of this—I am

happy to go through them—when trying to deal with this issue or saying that we would deal with this issue was absolutely fundamental, in my view, to keeping the thing going.

Q3689 Naomi Long: The victims are, obviously, the last group who need to be reminded of the cost that was paid during the Troubles. My final question: you have stressed on a number of occasions that this was, in many ways, not the priority—that there was, if you like, a bigger demand being made around those who actually could have been amenable to prosecution but who, for whatever reason, were not able to be brought for prosecution. Sinn Fein did not walk away from the process when that bigger issue, as you have said it was—the prime issue—was not resolved. Why are you so convinced that they would have walked away over this side issue—the almost trivial issue of those who were not guilty and were unlikely to be able to be prosecuted—if they did not walk away over your failure to find a way through for those who were potentially amenable to justice?

Tony Blair: That is a perfectly good question.

Naomi Long: Thank you.

Tony Blair: If we had been able to find a way through at any point, that would obviously have been the optimum as far as Sinn Fein were concerned. Each side had demands that they were making throughout, and we had to try to balance those demands throughout. If I had not been struggling to find a way through—I was dealing with this, face to face with these people—if I had simply said about the on-the-runs, “We are just not dealing with them,” I cannot be sure, and no one can be sure, whether they would have stayed in, but it was not a risk I was going to take with that process. At crucial points, the fact that we were struggling all the time, coming up with this scheme, that scheme and, in the end, legislation that we then had to withdraw, was, in my view, an essential component of keeping them in it. I cannot be sure that that is right, and you cannot be sure that that is wrong.

The trouble when you are dealing with a situation like this is that you are trying to do your best in very, very difficult circumstances. It is very important to realise that on decommissioning and on support for policing this issue was absolutely crucial at certain points, and I was dealing with it. In the end, the other aspect of this was not trivial at all, but it was the best we could do, given that we were unable to resolve the other issue. What I am really saying to you is that if we had simply said that we were not going to deal with the on-the-runs issue at all, and it was just off the table, I personally think that that would have had a very serious impact on the peace process.

Q3690 Chair: Mr Blair, you have identified that there were two on-the-runs issues: those who might have committed some crimes and those who, it was believed, had not, who received the letters. That is being questioned now, but that was your belief at the time. I think what Naomi was getting at was: why was it so important to write letters to innocent people to keep the peace process going? It does not seem to make sense.

Tony Blair: Because at least you were then doing something on this issue when you were not able to do the larger thing that people wanted. In other words, you were keeping the

thing moving even though, all the way through, what Sinn Fein was saying was: “This is not good enough. It is not right. You promised, but you have not delivered. What are you doing? You said at Weston Park that you would do it, but you are now not doing it. You are only dealing with these cases in a piecemeal way.” At least you were able to say that there was something that was happening. I accept that, as we got to the end of this and it accelerated—particularly when we came to what was, after the Good Friday Agreement, possibly the most difficult negotiation, in late December 2006—it did matter that we said, “Okay, we cannot do anything other than this—what we are doing already—but we’ll accelerate it.” That, again, was an important part of bringing them on board for this final bit; but these are difficult judgments.

Q3691 Chair: You are telling us that the letters to these people, who were presumed to be innocent, was very important to Sinn Fein. It is a bit difficult to understand why. There are lots of people from Northern Ireland here; they have not received letters. Why was it important that this group of people received letters?

Tony Blair: It was important that some people within the on-the-runs category could be dealt with, so that you weren’t simply saying, “We’re not doing anything on this, nothing can be done.” Look, I began from the proposition—as it turned out, wrongly—that if you can deal with the people who have been convicted and then released, you must surely be able to deal with people who have never been convicted. Now, there were a whole series of proposals put forward as to how to deal with that. The easiest, frankly, would have been the type of thing that David Trimble was proposing, which would have been perfectly sensible, whereby you would get people in front of the commission, they would have been convicted, or pleaded guilty, but it wasn’t possible to get an agreement on that.

Q3692 Lady Hermon: It is very nice to see you. Thank you for coming in front of the Committee. We do appreciate it. The victims and families also appreciate it. Hearing you giving live evidence in person is deeply appreciated by all of us. We might not like the evidence, but we appreciate the fact that you’re answering very frankly. May I ask you about the relationship you have at the present time with Sinn Fein? Do you still, from time to time, contact Martin McGuinness, Gerry Adams, Gerry Kelly; the key players in the OTR scheme? Did you, for instance, get in touch with them before you came to give us evidence today?

Tony Blair: No. I see them from time to time, usually when we are at an event together. So the last time I saw Gerry Adams was in September at the Clinton Global Initiative. Other than that, no. It is obviously for the people who have now got charge of this issue to do their job.

Q3693 Lady Hermon: It is interesting the number of times you referred to the Hallett report. In all the evidence you have given us so far you have stressed that it was absolutely essential to the peace process. Sinn Fein, you have suggested to us, though others have disagreed, would have walked away from this process, and it was a judgment that you had to make as the Prime Minister at the time. In the Hallett report, it suggests that this scheme was open to others, but actually you have confirmed to us what we have thought all along—it was kept secret to a small political party, a very influential political party, and that is Sinn Fein.

Tony Blair: No. If people had come forward—it didn't happen, but if people had come forward—from loyalist political parties and said, "We want our people to be included, what are you going to do about that?" we would have had to consider that too.

Q3694 Lady Hermon: But how would they have known to do that? Did you, for example, tell the late David Ervine, for whom I know you had a lot of respect and you were very concerned when he died prematurely at a very key time? Did you tell him about this scheme?

Tony Blair: I didn't tell him about the scheme, but he knew about the on-the-runs, because—

Q3695 Lady Hermon: We all knew about the on-the-runs.

Tony Blair: Exactly. The one thing I found in the course of my dealings in Northern Ireland was that no one was ever hesitant about speaking their minds.

Q3696 Lady Hermon: Absolutely.

Tony Blair: So if he had had people about whom he thought, "Well, since Sinn Féin are saying their people who are on the run should be absolved, what about my people?" I am sure he would have said.

Q3697 Lady Hermon: Did you tell him about the scheme that you referred to in parliamentary written answers?

Tony Blair: No; I didn't, but there were people who were being informed that they weren't going to be prosecuted. I have said before, Sylvia—

Lady Hermon: Put your hands up and admit that you didn't tell him.

Tony Blair: I have huge respect for you—

Lady Hermon: Likewise.

Tony Blair: And if you tell me that you had literally no idea people were being informed of this, I accept it completely.

Q3698 Lady Hermon: Mr Blair, I have to correct myself as I keep wanting to refer to you as Prime Minister when you are a former Prime Minister. You did so much to bring peace to Northern Ireland, for which I am enormously grateful, but what we struggle with is the fact that the letters were kept secret from key players, like David Trimble, the Nobel peace prize winner. They were kept secret from the likes of Alasdair McDonnell and his colleagues in the SDLP. They were kept secret from David Ford and they were kept secret from David Ervine. The letters were kept secret. Why was that arrangement made with Sinn Féin?

Tony Blair: What I would say to you is that the letters were not kept secret. The process of informing people was not a secret. People, when they asked about it, were given answers. This is what I mean by saying that when we look at this now, we are looking at it from a completely different perspective from how we were looking at it then.

What I thought of this procedure was, “Okay, this is the best that can be done at the moment to deal with this on-the-runs question.” I could not see that as hugely controversial because, after all, these are people who the prosecuting authorities had decided would not be charged. You are not dealing with an inflamed situation with those people because they are people who are not being charged.

The people I was focused on were those who, as it were, were in the same type of category as those who were convicted prisoners being released, because those are the people who, obviously, were going to be highly sensitive and difficult. There was no intention to keep it secret and that is what the Hallett review finds. The one secret is that, as the thing evolved and grew, we did not focus on it, which, in retrospect, would have been sensible. I fully accept that, but I am just explaining why.

Q3699 Lady Hermon: With the greatest respect, Lady Justice Hallett does not say that the letters were not secret. The scheme is referred to in written parliamentary replies, but just the scheme. The letters were kept secret. Let’s start with the first two letters, which were issued from No. 10 in 2000 by your chief of staff, the very talented Jonathan Powell, who kindly came to give us helpful evidence. Why were they kept secret? Sinn Fein always loved to brag about the concessions that it had obtained from the British Government to its people in the republican movement. Why do you think that Jonathan Powell’s first two letters—and every other letter—were kept secret for 14 years until Mr John Downey walked out of the Old Bailey?

Tony Blair: That these people were being informed was not kept secret. So while you keep saying that the letters were kept secret, it was disclosed publicly that these people were being informed that they were not going to be prosecuted.

The IRA were not out there boasting about it precisely for the reason that I am giving. They kept saying to us, “This is meaningless. These are people who you have said you won’t be prosecuting anyway. What we want is an on-the-runs scheme that deals with the people who are going to be charged, because they are the equivalent of the convicted prisoners. You are expecting us to go back into the republican community and argue for decommissioning, support of policing and that all criminality must stop, yet you are not prepared to deal with an important constituency of ours, which is those people who think that, if they return, they might be charged, even though you were prepared to release convicted prisoners.” That was the issue.

Q3700 Lady Hermon: Thank you for that, but may I come back to the issue of the letters? As a distinguished lawyer in your own right, you will know that Mr Downey relied on the OTR letter to walk free from the Old Bailey, because he had acted on it to his detriment. An abuse of process argument was mounted that, in his case, was very successful. So he, a man who was sought for the murder of the Hyde Park soldiers—those four brave young men who

lost their lives—and for various other crimes in Northern Ireland, was able to walk free. The letters were key to the scheme and they were kept secret from the leaders of other parties.

You have referred on a number of occasions to how absolutely essential Sinn Féin's decision to join policing was. Now, we know from the judgment in the Downey case and from the Hallett report that you wrote in confidence to Mr Gerry Adams on 28 December 2006, just three days after Christmas. You gave him a commitment, which was confidential, that you would expedite the already existing administrative scheme to deal with OTRs. Within a month, on 28 January 2007, if my memory serves me correctly, Sinn Féin held a special ard fheis to consider whether to join policing. It was a momentous decision for Sinn Féin.

Are the two things connected, because within days we had Operation Rapid? Will you confirm to the Committee that the two things are connected? Operation Rapid commenced on 7 February 2007, from which Mr Downey benefited greatly, as did others.

Tony Blair: First, let me state again about the Downey letter, that was a mistake.

Lady Hermon: It absolutely was.

Tony Blair: It was obviously a mistake that I had no knowledge of, but it was a mistake, so it was not a question of the scheme resulting—if the scheme had been properly applied, he would not have been sent the letter. It is important to make that point.

Now, at the end of December, the commitment that I gave to Gerry Adams to speed this process up, did it have an impact on Sinn Féin's decision on policing? Probably. I don't recall for sure whether I was told that at the time, but I should think so, because it was an important issue for them.

Q3701 Lady Hermon: But you told us in evidence earlier that it was absolutely essential at key times in the process—

Tony Blair: That's what I am saying now.

Q3702 Lady Hermon: So the two things are connected, are they? Operation Rapid—

Tony Blair: As I said, I cannot remember whether someone directly connected them, but I think it is fair enough to say that that is one of the reasons why the commitment was given and that that played a part, along with other things, in getting Sinn Féin to sign up to policing. Because if you recall what happened, we had the St Andrews negotiation—

Lady Hermon: I remember it well.

Tony Blair: It was in October 2006. The idea then was that everything should proceed so that the Executive was reconstituted. Remember that, what had happened was that the whole thing had broken apart. In parenthesis here, one thing that is very important for people to understand is that the 1998 Belfast or Good Friday Agreement began a process. It did not make peace, it provided a framework to make peace. For the next almost decade, we were fighting continually to keep the thing alive. When it came to that period of time,

October 2006, we made this agreement to try to get the Executive up and running. The key thing was the policing. Then it broke apart again. So over that December period, the reason why, finally, I think in May 2007, the Executive was constituted—in other words, there was a delay, precisely because we could not resolve the issues around policing. One aspect of that was on-the-runs. What I had to say to Gerry Adams was, “Yet again, I am committed to dealing with this.” I said then that I would accelerate the administrative scheme, but that I was looking for a way of dealing with the issue properly. Of course, what he was saying throughout was, “You have got to honour the commitment you gave several years ago that you would deal with all the on-the-runs.”

Q3703 Lady Hermon: Lady Justice Hallett remarks that it does not appear to be a coincidence.

Tony Blair: Yes. That’s what I am saying. It is fair to say that the two things—

Q3704 Lady Hermon: Sorry, just let me repeat the question. It does seem an unusual rush. You write in confidence, in private, to Gerry Adams. You tell only him that you are going to expedite the already existing administrative scheme to deal with OTRs. Within the month—or exactly a month later, on 28 January 2007—Sinn Féin agreed to sign up to policing. So the two things—

Tony Blair: Yes—

Q3705 Lady Hermon: At the same time you are talking to the late Ian Paisley senior—the two of you had great mutual respect—a man whom you persuaded to sit in Government with his arch-enemy Martin McGuinness as Deputy First Minister. So good were they as a working relationship that they ended up, unfortunately, being described as the “Chuckle Brothers”, which did neither of them any good. I am just quoting back. You said this process was on a knife edge throughout. In 2007, by Jove, it wasn’t. The First Minister, Ian Paisley senior, and Martin McGuinness, the Deputy First Minister, got on terrifically well. This was not on a knife edge, so why on earth did Operation Rapid commence at the beginning of that year?

Tony Blair: Sylvia, absolutely. In those days at the end of December 2006—I remember because I was supposed to take a break, and I ended up on the phone the entire time—there were a lot of other things going on at the same time, but I was mainly—

Q3706 Lady Hermon: So was policing the key?

Tony Blair: It was absolutely the key, and it was absolutely on a knife edge. I actually thought for a time during that period that we had lost the whole thing. I remember having a conversation with Jonathan and others at the time and saying, “I think we just can’t rescue this thing.” I was dealing with it at the time. I am just telling you, if we hadn’t managed to find a way to get ourselves over that horribly difficult period, we would not have got the Executive in May 2007.

The reason for the delay—it was supposed to happen in March, but didn't happen until May—was that Ian Paisley came to see me and said, “I need another month.” I remember the Irish at the time said, “That's it. You've been on about this the whole time, and you keep telling us it's going to happen. It's never going to happen. You should turn around and tell the Unionists it's now or never”—the usual stuff everyone always says to you, whereby people say to the British Government, “Just tell the Unionists to do this,” which, as I used to say, is pretty much guaranteed to make it not happen. That was the situation. We almost lost the thing. I understand the anxiety about this—I really do—but you've got to understand what I was trying to achieve.

Q3707 Lady Hermon: I am trying very hard. One final question for this session before I move over to my colleagues and then come back. I am intrigued by the fact that you have defended these letters throughout. You must be rather puzzled—or maybe you are not—that the current Secretary of State, Theresa Villiers, has said that in fact they are absolutely worthless, every single one of them, and that the PSNI is reviewing every single one of the OTR cases. Did the Secretary of State make the wrong call? Has she made a mistake?

Tony Blair: She has got to deal with this process now. Would I have done that? No.

Q3708 Lady Hermon: Has she made a mistake?

Tony Blair: Time will tell. I am not here to criticise her. All I am saying to the people in Government now is that you inherited a peace process that worked, so be careful with it, because it is fragile still. That is all I am saying. You could have this wheeled around the other way. People often say to me, particularly from the Unionist side, “What did we ever get out of the Good Friday Agreement?” I say, “Well, for a start, the Union.”

Lady Hermon: Yes, agreed.

Tony Blair: Which is important. We had to get Sinn Féin away from its historic position, which was “No, the principle of consent does not apply in Northern Ireland. It should be a vote for the whole of Ireland whether Northern Ireland is part of the UK or not.” We had to say no. The essential deal at the heart of the Good Friday Agreement, which we then spent almost a decade implementing, was equality of treatment for everyone in Northern Ireland, putting the past behind us, and acceptance of the principle of consent. That was the basic intellectual and political framework for the Northern Ireland peace agreement. Each part of it was constantly difficult. I can tell you that at that period at the end of December 2006—I remember it well—I really believed for a time that this thing was going to go down.

Q3709 Dr McDonnell: Thank you very much for being here and for your evidence so far. We have explored some of the stuff around the victims. Thank you for your expression of sympathy and apology for the mistakes that were made, because that will certainly be helpful to many victims and survivors who feel sore. On this issue, with hindsight, would you change anything?

Tony Blair: Yes. As I said, this is where the Hallett review is perfectly sensible and balanced. When you look at it with hindsight—this thing that began as a few cases here and there—it would have been better to have pulled it into a proper scheme, had a discussion about it and structured it. That is why, when she says in her review that had that been done, the mistake in the Downey case might not have been made, I have to take responsibility for that, and I do. I am trying to explain to you how the thing came about and I am trying, essentially, to justify the existence of it; it was important because otherwise we literally could have had nothing to say on an issue that was of fundamental importance.

Q3710 Dr McDonnell: Let me ask you a very blunt question: how much of the detail did you know? Was it looked at, in principle, and then did it run into officials, basically, as an administrative scheme? I say that openly and honestly because, as Prime Minister, you had a thousand other things to do.

Tony Blair: Right, and that is why it is incredibly important to realise that on the wider question—could we find a general scheme to deal with the on-the-runs?—I was all over that because it was very difficult. With this administrative scheme, because essentially you are just applying the law, but putting in place a process to do it and, in time, to accelerate it, I would not have focused particularly on the details. I was obviously aware that people were being informed that they were no longer wanted, but I did not think that there was any big issue about that because we were not changing the law to inform; we were simply doing what, in any event, should happen.

Q3711 Dr McDonnell: Do you think with hindsight that maybe, when working with the law, the Attorney-General was pushed too far—not so much in terms of the ones that were not wanted, but the ones that might have been wanted?

Tony Blair: No. We had a very proper debate. I was telling him about the politics and he was saying, “Okay, but I am afraid there is a whole set of judicial issues here” and in the end, in those circumstances, he wins. That is what happened. I think it was Gareth Williams who was dealing with this a lot to begin with. Anyone who knows or knew Gareth would realise that he did not mind having the discussion or taking the decision that he took, so I do not think that we acted improperly at all. I was trying to deal with the politics of it; I wanted to deal with it.

Q3712 Dr McDonnell: On the practicalities of it, and certainly from the tone of some of the correspondence that we have seen and from the tone of what you are saying, it started out as something relatively small in numbers. Did Sinn Féin push it too far? Did they push it overboard?

Tony Blair: No. It's really important to realise what was actually happening at the time. Sinn Fein weren't really pushing this. They were saying, "This is not what we want. We want you to honour what you said at Weston Park in 2001, which was that all of these people will be dealt with by a scheme." We were doing it as the only way of showing that at least there was some progress on these on-the-runs because we were dealing with people who were not ever going to be prosecuted, so at least we were dealing with some people in their community who could then come back with the knowledge that they would not be prosecuted. Sinn Fein were never—even at the end, when I said, "Let's try to speed the thing up," that was never anything other than very much not what they wanted.

Q3713 Dr McDonnell: Why were the letters issued from the NIO, rather than from the Public Prosecution Service?

Tony Blair: I really don't know. You would have to ask—that was not a part of the decision making that I was involved in.

Q3714 Dr McDonnell: It is just that I would have thought that in the normal process it would have come out from that end, rather than from a political end.

Tony Blair: Sure. I really don't know. I thought that the PSNI was involved but I was not into that level of detail about how it was done. As I say, in retrospect—as the inquiry report rightly says—you would have dealt with this in a somewhat different way, particularly when you realise now the anxiety that people have about this. All I am telling you is that at the time there wasn't any bad faith involved. We were simply trying to deal with an issue that was important to us as best we could, but I never got involved in who was—I knew people were being informed, but the process of that really wouldn't have been for me.

Q3715 Chair: The point about why the NIO was involved is important. In the case of Mr Downey, I have two letters in front of me, one from 14 September 2004 and one from 27 February 2006, in which the NIO was told that Mr Downey was wanted in relation to a number of serious terrorists offences, yet the letter was still written. The involvement of the NIO, a non-legal Department, has surely acted as a confusing element in all this. Would you accept that?

Tony Blair: I am not sure, because I haven't really focused on the aspect of who did what in the procedure. But surely the basic point about the Downey case is that, despite numerous warnings and numerous opportunities to correct the error, it wasn't corrected—and it could have been corrected, by the way, six years after I had left office. Now, as I say, where I am very happy to accept responsibility is in the way the report suggests, which is that if you dealt with this in a somewhat different way, you might have had a more structured approach, and then maybe that error would never have happened in the

first place. But the thing I find odd, actually, looking at the evidence in relation to the Downey letter, is why, when people were frequently saying, “This is not right,” it did not show up. I can’t comment on that because obviously I had never even heard of the Downey case until the court case came up.

Q3716 Kate Hoey: Many of the victims who are here have travelled today and got up at 2 am or 3 am this morning to get here, so I am very grateful that you have said you are happy to continue after an hour. May I just ask you, because you kind of mumbled it—not deliberately, I don’t think, but I didn’t quite hear it: what was the event in September that you were at with Gerry Adams, or where you saw Gerry Adams?

Tony Blair: I am trying to remember, but I think it was the Clinton Global Initiative in New York.

Q3717 Kate Hoey: So you see him at some of these international events talking about how to get peace, and things like that?

Tony Blair: I can’t remember what he was doing there. All I know is that I had a conversation with him.

Q3718 Kate Hoey: But you are not in regular contact with either Gerry Adams, Gerry Kelly or Martin McGuinness?

Tony Blair: No, I’m not, but if I was, or if I was with the people on the Unionist side, I wouldn’t regard that as wrong.

Q3719 Kate Hoey: Okay. Just talking about the Unionist side, when David Trimble gave evidence, he told us how genuinely hurt he was that he knew nothing about the letters. In fact, Mark Durkan said similar things. Does it surprise you that David Trimble and Mark Durkan quite clearly knew nothing? They may have known that there was a scheme, but no one knew that those letters were going—actually not to the individuals, but to Gerry Kelly, who has probably still got them all in his back room somewhere, because when John Downey was arrested, he didn’t have the letter on him.

Tony Blair: Obviously I don’t know the particular circumstances of that. I am surprised that people didn’t realise that there was some process of informing people if they weren’t going to be prosecuted, but I am perfectly prepared to accept that they weren’t—that people didn’t pick up on the parliamentary answers or on what Bertie Ahern was saying, or whatever. I am perfectly prepared to accept that, but to be very blunt with you, my view of this is that because of the way that this has come about now, people are looking back at it through a different lens from how they looked at it at the time. At the time, I don’t think people would have thought it odd that we were dealing with people who, after due consideration, were not going to be charged. What they were focused on—David, and me, and everyone else—was what you do about the people who should be charged.

Q3720 Kate Hoey: So you fully accept that David Trimble and Mark Durkan did not know about the letters?

Tony Blair: I am not in a position to dispute it.

Q3721 Kate Hoey: You mentioned in answering a previous question from the Chairman that the first you heard about the name Downey was—when, exactly?

Tony Blair: I don't have any big recollection of it at all, other than when the case came up. Having said that, huge amounts of stuff come across my desk and if someone finds a document saying the name was mentioned somewhere, then fine.

Q3722 Kate Hoey: I appreciate that. I was going to ask you about the huge amount that comes across the desks of Prime Ministers and Secretaries of State. We heard evidence about and saw Lord Goldsmith's letter from, I think, about 16 months before John Downey was sent the letter by a Northern Ireland official—unsigned, at the moment; we haven't seen the signed letter. Lord Goldsmith said in that letter to Peter Hain—a number of people were mentioned—specifically that John Downey was wanted for serious terrorist offences. That was not long before he got the letter signed by the Northern Ireland Office saying, "You're not wanted." Peter Hain said that he did not recall that letter, even though he and all sorts of people were copied in. We were surprised, because Attorneys-General do not write regularly to Secretaries of State. Would it surprise you if he had not seen it?

Tony Blair: I really don't think it's right for me to comment. I honestly don't know.

Q3723 Kate Hoey: It's just that it all seems a bit strange. You were leaving office, he was leaving office, Gerry Adams was on the phone regularly and Gerry Kelly was pushing to get the letters signed. The John Downey letter got sent out after you had both just gone, but was obviously signed off before you both left.

Tony Blair: That would suggest that it wasn't a mistake but deliberate, but, first, that's not, I think, what the evidence shows, and, secondly, it would be absolutely and profoundly stupid to send the letter out knowing it was wrong. That would be—

Q3724 Ian Paisley: Criminal.

Tony Blair: Well, first, it would be obviously stupid, since that would, frankly, transpire at a later time, as indeed it did. I would be extremely surprised if anyone did this deliberately. To be fair to the people involved, there is no evidence that they did do it deliberately.

Q3725 Kate Hoey: Up until now, everyone has blamed the PSNI, including the Chief Constable, who came out immediately and blamed the PSNI. Do you not feel, given that the correspondence had gone into the Northern Ireland Office at a very senior level, that for a letter to go out a short time later saying, “You’re not wanted”, something serious must have gone wrong in the Northern Ireland Office?

Tony Blair: Something obviously went wrong, considering that large numbers of people warned that this person was wanted and the letter was still sent. As I say, I know nothing about the details of the case and what actually happened, but that is clear and accepted. Everybody has admitted that a catastrophic error, as the judge called it, was made. That is why, as the person, in a generic sense, responsible for the whole Government, I apologise for that. The error should not have been made, and the many opportunities to correct it should have been taken.

Q3726 Kate Hoey: You said earlier that if loyalists had come and asked, they would have been considered under the administrative scheme as well. It was seen very much as a one-sided policy, wasn’t it?

Tony Blair: They were the people raising the issue. As I said a moment or two ago, it’s not that anyone else was afraid of raising these issues; they were raising them the whole time—any issue. If, for example, David Ervine, who is someone I have enormous respect for, had come forward and said, “I have got a problem of this description”—in fact, often David did come forward and say that there were particular issues that were a great problem for him and his people—we would do our best to deal with them. But he never came forward on the on-the-runs question. Very simply, my point to Sylvia earlier was that, if he also had a group of people who were on the run, I would have been surprised, given all the discussion about it, if he had not come forward and said, “I want my people dealt with too.” If he had, we would have tried to deal with it.

Q3727 Kate Hoey: Do you think that today, here in 2015, someone in Northern Ireland from a loyalist background who is being held in jail at the age of 74 for something that happened something like 30 years ago should be treated in the same way? I’m talking about a Mr Tweed—you won’t know the case. Do you think they should be treated in the same way as some of those of people who were suspected of hideous offences?

Tony Blair: It would be unwise for me to comment on a case I don’t know about; otherwise, we would get into all sorts of problems. To make the general point, Sinn Féin were raising this, and therefore it has become a Sinn Féin issue. Had other people been in a similar situation, there would have been no political problem in dealing with it.

Q3728 Kate Hoey: Finally, can I just ask about the victims again? To us, part of the reason we wanted this Committee generally to be open and transparent, unlike Lady Justice Hallett—by the way, did you see her privately—personally—or did you talk on the phone?

Tony Blair: No, I saw her personally.

Q3729 Kate Hoey: Good. We wanted everything to be open and public, because the victims genuinely have felt left out of this whole process. What would you say to the families now of those people who were so dreadfully murdered in the Hyde Park bombings, in the Birmingham bombings, in Kingsmill, in all the many, many atrocities? In some cases we know the suspects have actually walked free, but others are still free and have not been brought to justice. What would you say to them about how they can get closure—an awful word—now, given that we have seen such a travesty of justice because of a mistake by the Northern Ireland Office under your Prime Ministership?

Tony Blair: Look, I'm not sure that people can ever get closure in that sense. The motivation behind what I was trying to do in Northern Ireland, what we were trying to do in Northern Ireland, was to put the terrorism that you and I and everyone else round this table used to wake up to every morning in our country—every morning, terrorist attacks, death, destruction, innocent lives being sought by those who wanted to kill them and then kill others. I wanted, in the Northern Ireland peace process, to bring that terrorism and destruction and misery to an end.

So I can't bring back those people who died in the Troubles—no one can—but what I tried to do was to make sure there wouldn't be future victims of terrorism and this horrible loss of human life. The Hyde Park bombing was one of the worst of the acts of terrorism, as with, I think, the Regent's Park bombing at the same time, and there are many of those people that are out, free today, that committed acts of terrorism that are repugnant to any decent-minded person, but I believed, in the end, that we weren't going to get peace for the future unless we tried to draw a line. And this is always difficult. It's the hardest thing you ever do in a peace process.

And I remember visiting the families of victims in Northern Ireland and victims: those RUC officers who have been maimed and disfigured, and some of them—

Kate Hoey: I think—

Tony Blair: No, let me just—some of them felt a deep sense of betrayal at the very process we were engaged in and I understand that completely, but I'm just trying to explain, my motivation for doing this was to stop further death and destruction and bloodshed and to be in a situation where Northern Ireland had a chance of a different future and where its people, and its young people particularly, had a chance of peace for the future.

I am aware of the fact that there is nothing I am ever going to say that is going to take away the feeling that people have of anger and anguish and even betrayal, but I do say the Northern Ireland peace process was the right thing to do, it was a necessary thing to do, and it has, for all its faults and difficulties, made our country better.

Kate Hoey: I was just going to say that some of those victims who you met in Downing street are here today and they remember what you said then, too.

Chair: Thank you. David.

Q3730 David Simpson: You are very welcome, Mr Blair. When you listen to the line of questioning, and with your experience over the long number of years that you were involved in Northern Ireland, I am sure you can understand the sense of cynicism and mistrust that there is from Northern Ireland politicians, from the victims and others. When this was released and came out into the public—we have listened to your evidence today. The comments that I got from the victims group was that this was just a political legacy for Tony Blair: this was about a legacy for Tony Blair, not really about what the victims were concerned about.

From me as a victim myself, and a lot of the people here I know, there is a sense of betrayal because there are people who have now received the letters and there are those who received royal pardons. It means that a lot of the victims sitting behind you today, in reality, will never see justice for their families. In the evidence that we have received from senior PSNI officers, the investigation and the team that they have put on to these OTR letters are going to take some considerable length of time—into years. So there are those out there who, in all probability, will not see justice for their families.

I am sure that you can understand the cynicism there is when this story comes out in the press and people find that injustice—that there are those who can receive a letter, walk into the Old Bailey, walk out of the Old Bailey and probably caused one of the most heinous crimes on the mainland for many, many years. I am sure that as an individual—forgetting about being the former Prime Minister—you can feel what these people are feeling.

Tony Blair: I can feel the anger, absolutely. But I repeat that the Downey case was a mistake that was made; it should not have happened. We all know, as politicians, that when you come to take decisions and take positions, there will be people who will attack you and disagree with you. In the end, especially when you have had the pain of losing someone you love in an ugly and horrific act of terrorism, how do you feel anything else other than anger? All I am trying to do is explain that my motivation behind the Northern Ireland peace process was to bring that anguish to an end for the next generation of people.

Q3731 David Simpson: But you said in your evidence giving that this was not what Sinn Féin wanted; they wanted something further. You had concerns that they could walk or that the whole thing was on a knife edge. If that is the case, they did not get what they wanted but they did not walk. They accepted it. Why did they accept it?

Tony Blair: The point that I am making to you in answer to that is this: I was doing two things. The first of those was the most important, which was that I was saying, “We will deal with it.” If I turned round and said, “We’re not dealing with it. We’re not going to bother with this on-the-run question,” I think that that would have had a very serious impact on the peace process. At certain points, I think that—as I say, you can never be sure—it would have destroyed the process. It was not that they were raising it and I was not dealing with it; they were raising it and I was dealing with it. I was making a promise to deal with it. I was, at points, going for this scheme, that proposal, this legislation. I was, as it were, trying to say, “Okay, I am trying my hardest to deal with this and here’s the proof of it.”

Also, less important was that, at least for those people who were not going to be charged, they were being considered—their cases were being considered and they would be informed that they would not be charged. I do not know what anyone else has said to the Committee, but I can assure you that, at certain points in this, this issue was absolutely and fundamentally paramount to the process and a refusal to have dealt with it would, I think, have been very serious. As it was, to try and to fail to deal with it was obviously more acceptable.

Q3732 David Simpson: Are you aware if any of these letters or, indeed, royal pardons were issued to anyone who has currently been elected to the Northern Ireland Assembly or the House of Commons?

Tony Blair: I am not aware of that.

Q3733 David Simpson: So it could have been the case.

Tony Blair: I literally—I have no knowledge of it at all.

Q3734 David Simpson: You were asked earlier about the secrecy of the process but I did not quite get the answer. Why is it that senior police officers, including Chief Constables, were not told about the letters? If this was transparent and open, why were they not told? They gave evidence here to say that they were not aware of the letters going out to these individuals.

Tony Blair: That they weren't aware even of the existence of a procedure?

David Simpson: No. They knew about a scheme and about some cases being asked about by the NIO, but not the letters.

Tony Blair: I don't know why. As far as I am aware, this was handled within the PSNI, so I do not know why the Chief Constables wouldn't be— I am sure they would be aware of the scheme that people were being informed. The one thing that is clear is that I think people knew there were people who were being informed that they were not going to be prosecuted. As for the individual letters going out, I can't comment on it, because I don't know.

Q3735 David Simpson: May I ask you a last question: do you believe that the victims will see justice for what has happened to their families? If we take the Enniskillen bomber, La Mon, Darkley and all those horrific events over the years, do you believe, because of this process and what has happened, that they will see justice?

Tony Blair: In respect of this process, we have to go back again to the fundamental point: this is about people who weren't going to be charged or prosecuted. In respect of the victims of the terrorism, under the Good Friday Agreement and the Belfast Agreement, we released convicted killers.

David Simpson: You certainly did.

Tony Blair: Okay. Now, that was something you profoundly disagreed with and others profoundly disagreed with, but that I felt was necessary for the peace process. In that sense, if you or your family has a family member who has died in that terrorism, you are never going to feel that justice has been done when the killers walk free—

David Simpson: That's right.

Tony Blair: But it is in the nature of political decision making to try to make peace that sometimes you draw a line under the past, even though individually, for the people who are the victims, they will never feel that that is justified.

In what I do now with the Middle East peace process, I see this happening with the Israeli Prime Minister when he releases convicted killers as part of an arrangement for a step in the Middle East peace process. Every time he does it, there are large demonstrations outside his office and there are families who say to him, "You have betrayed us; you have let us down. You do not care about what has happened to our loved ones." What he is trying to do is the same as what any of us try to do when we are in this situation—trying to do their best for the general good.

These are hard decisions to take, I'm afraid, and I am not pretending otherwise, but the one thing I can say with absolutely certainty is that without that provision in the Good Friday peace agreement, we would not have had peace. Whether it was justified to do is another matter, and I asked myself that hard question at the time, by the way.

Q3736 Mr Anderson: May I say for the record thank you for the work you did and to the people who worked with you? I think the Prime Minister who was there before you doesn't get the praise he deserves for what he did, and some of the people in Stormont were part and parcel of getting us where we are today and where we have been for some time.

I will try to go through this in a relatively chronological manner. We have a letter from Gerry Adams to yourself from 8 March 2000 that speaks about how badly Sinn Féin felt let down because there hadn't been progress on the OTR issue, as well as others. He says: "Since the suspension of institutions, matters have deteriorated and nationalist and republican confidence in your Government is at an all-time low. I feel that on a personal as well as a political level, your failure on some of these commitments is deeply damaging." He goes on to say that you promised there would be responses by the new year—this was in March and there hadn't been any responses. He closes by saying: "Both in terms of restoring confidence to the process and in your own approach to it, I think that decisive action on these issues is now essential." That was in March 2000. Did you believe then that there was a real chance of this total thing collapsing?

Tony Blair: Well, I did believe there was a chance of it collapsing. On the actual issue, and as you can see from the letter, Gerry Adams wasn't saying, "Thank you for this administrative scheme." He was saying, "You let us down because you haven't done what you promised to do." Look, there were points in time when the thing was more fragile than at other points, and I cannot absolutely recall March 2000. The three dates that stand out in my mind are: 1998, when this issue first arose; 2002, when the whole issue to do with

decommissioning was very live; and late 2006, when the question was whether you could get the thing up and running or not.

Q3737 Mr Anderson: I was going to come on to this, because the ministerial meeting—it was not the only occasion—was held with Gerry Kelly in March the following year, and that seems almost like a business meeting: “There’s a few more here, and there’s one or two of them over there.” There had obviously been some progress. Did you not think then that things were moving in the right direction and that there wasn’t then the worry that it might fall apart?

Tony Blair: That is what I say. It kind of went up and down at points, but remember that, all the way through—and even at that point—this was against the background of a stated commitment at Weston Park in 2001, I think, that we were going to introduce a scheme to deal with this. The problem, in a sense, was that anything they got was never sufficient, but we were saying, on the broader picture, that we were going to act. From time to time they would say, “Okay, at least this has happened,” but I think you will find— What date was that?

Q3738 Mr Anderson: It was 12 March 2001. It was reported in minutes of a meeting that was held with Gerry Kelly.

Tony Blair: Right. I think that that was in the context of when we had given a commitment that we were definitely going to deal with this.

Q3739 Mr Anderson: In terms of the advice that you were being given by the Attorney-General throughout this process, would you say that at any time the promises that you gave to Gerry Adams and others could be construed in any sense as being unlawful? Were you given that advice by the Attorney-General?

Tony Blair: No, and we were very careful to say what we could promise and what we couldn’t promise. In the end, we had to be clear—I think I said this to Gerry Adams in certain letters—that in the end this was a decision for the authorities, and it was a decision for the authorities. One of the reasons why it grew in this ad hoc way was because there was a particular individual case, which some people will know about, right at the very outset that concerned a particular person where it really would have been very helpful for the process if we had been able to get that person to return. The Attorney-General, in the end, said no, so the answer was no.

Q3740 Lady Hermon: Would you like to name that person?

Tony Blair: No. I think that is probably not wise.

Q3741 Mr Anderson: In 2005, you attempted to get legislation through this House. What was the intent behind that legislation?

Tony Blair: To deal with the issue and to bring about a situation where we could say, “We made this promise. Okay, it has been several years, but we dealt with it.”

Q3742 Mr Anderson: Was it to create a legal framework for doing this?

Tony Blair: Correct. All the focus for all this time was really on the big picture, and the big picture was how could you get agreement to a scheme that would allow all these cases to be dealt with, and not just some of them but all of them, and particularly those people who should be charged and should be convicted—how do you deal with them? Obviously, you have a situation in which you have released people who were already convicted, which is not a normal situation. It was a deliberately abnormal situation, as it were, because we decided that we were going to release those people, so the whole purpose of the legislation was to bring about a completely new way of dealing with this. In the end, it just wasn’t possible to get agreement. If you think about it, there is a very reasonable point being made by many of the people arguing for the scheme. That point is: okay, they haven’t been convicted, but they should go through a process so that they are convicted, even if they’re then released. It is not an unreasonable point, and that was the basis, really, of the David Trimble suggestion, and that would have been perfectly satisfactory to us, but we could not get agreement on it.

Q3743 Mr Anderson: In terms of agreement, I actually sat on the Committee that tried to take this through the House. I think we sat for something like 27 hours in total, and it finally fell apart. It was clear from the start that there was opposition. I might be wrong, but I think it included the SDLP and others against this. If am wrong, I apologise. It was only when Sinn Fein said this is going nowhere that this was stopped. David used the term “cynicism” before. Does that not really make you question just how badly this was handled at the time?

Tony Blair: Again, I took the view that it was important that we tried. All the way through we were managing this process. Many of the people who were covered by on-the-runs were integral to the whole way the republican party, the IRA and Sinn Fein, worked at the time. All the way through they were having to bring their people to a position that was historically different from any position they had ever been in, including supporting policing, supporting the PSNI and advocating that their people actually join the police force. They were saying, I think with some justification, that they were not able to deal with this unless they were able to bring closure to the whole prisoner issue, including the broader question of on-the-runs.

My view was that even if and when we embarked on this legislation—we knew it would be difficult—and even if we weren’t able to get it through, if we were at least showing that we were doing everything we could to resolve this, it made it easier for them to manage their folk who were saying to them, “This peace process is not worth anything. I can’t return to my family.” So this was the background to it. You could take this issue, and then you could take a whole set of different issues across the Northern Ireland peace process that were also incredibly difficult—issues like decommissioning, parades or the Patten report. There was nothing that was done that was not very controversial all the way through.

Q3744 Mr Anderson: Is it not a fact as well that if Sinn Féin had not signed up to recognising the policing matters, the Executive would never have got up and running again?

Tony Blair: Correct, and that was why it was important, which was rightly, I think, what Ian Paisley was saying at the time. This was the basic debate, to put it very bluntly. The position that Ian Paisley came to was this: if they really give it up—all of it, not just the terrorism, but the criminality and the modus operandi of all of that—we will sit down with them in government, but the proof of that is that they are prepared to give 100% support for the police, because you can't say, "I am in favour of the rule of law, but I am not in favour of the police force," or, "I've got my own police force," or, "I'm going to administer my own justice." So this was fundamental for him.

Equally fundamental for them was to say, "We are not surrendering to your narrative of history, so we need the past put behind us in order to do this, and that means dealing not just with the convicted prisoners, but with this other group that has now emerged and evolved over time to be quite a substantial group of people who we think also should be part of this deal." So that was the issue. But, for sure, if we had not tried to deal with that issue at least, I think they would not have signed up for policing. You are absolutely right. Without their signing up for policing, I am sure that Ian Paisley would never have agreed to sit down in government with them—or David Trimble, for that matter.

Q3745 Mr Anderson: We have learned through various discussions that we have had that the letter that eventually allowed Mr Downey to walk free—some people call it pardon, amnesty or a get out of jail free card; whatever you want to call it—was written by someone who we now know was the head of division at the Northern Ireland Office, but who is being classed by the Secretary of State as a junior person in relation to not being able to come and give evidence to the Committee on his own. How much of the actual process of how this was being run were you aware of?

Tony Blair: I was not really aware of the details of the process or who might handle it, but I was aware that people were being informed.

Q3746 Mr Anderson: Can I ask another one? How do you think it was being done, or how did you think it was being done? I do not mean this disrespectfully, but was it like: "There is the responsibility—get on with it"? I do not mean that you were discharging responsibility, but did you think that they had it in hand and therefore it was okay?

Tony Blair: The important thing to understand is that this was the application of the law; it wasn't not applying the law. As far as I was concerned, this was the best we could do, which was to say in respect of those people who were not going to be charged, "You're not charged." That is a perfectly lawful process and you are perfectly entitled to do that. I did not get myself into the detail of that. The detail I did get into was how you deal with the big picture. I have no particular reason to want to know the detail of that.

Q3747 Mr Anderson: Looking back, who do you think should have been sending those letters out? Let us not debate whether it should have gone on. Do you think that it was the NIO's responsibility—if it was, how far along the chain should it have been—or should it have been the CPS or the police?

Tony Blair: I don't know really what would have been best. Look, once you decide that you are going to issue such information to people and you are going to tell them, how it is done, I think, is less important than the fact that it is done, but I don't have a particular view about who would be the right person.

Q3748 Nigel Mills: I suppose, Mr Blair, the question I am trying to make sure I understand is whether with the two groups you outlined—the ones who were potentially guilty and therefore had to be dealt with in one way, and those who were not going to be charged who would be dealt with in a separate way—the risk is that those groups get a bit blurred during this process and that some who should be in the former end up somehow in the latter, like Mr Downey did. Did you ever put pressure on anybody to say, “Look, can't we just find a way of letting a few more people off in this way; it will really help”?

Tony Blair: Absolutely not. You couldn't ever do that. That would be an unlawful interference with the course of justice by me, so absolutely not. I do repeat that the Downey thing was a mistake. It was not an attempt to blur the line; it was just a mistake as to which side of the line he was.

Q3749 Nigel Mills: When you discussed with Sinn Fein the administrative scheme for people who were not going to be charged, how did you sell it to them? Was it just purely the normal process of law?

Tony Blair: This is the thing: I didn't sell it to them. What I said was, “Look, the most we can do is to apply the existing law.” What they were saying was that there were some people who did not know whether they were sought by the authorities or not. They did not know. By the way, some of those people turned out not to be sought by the authorities at all, so issuing letters to them—why not? The issue was not selling that to them; the issue was trying to persuade them that I was sincere in dealing with the on-the-runs, even though at each stage I was coming back to them and saying, “No, I can't do that, and I can't do this, and the Attorney-General said that we can't do that.”

Q3750 Nigel Mills: I can absolutely see, of course, that telling people who are not wanted that they are not wanted is not that controversial, but sending letters is a bit unusual, isn't it?

Tony Blair: I don't know that it is particularly unusual.

Q3751 Nigel Mills: Was that something that Sinn Fein asked for: not just an assurance, but something in writing that we can rely on?

Tony Blair: No, I do not think that they ever said that. They never took much of an interest in this particular part of it, because this was not their claim. Their claim was: “We have got to have what you promised.” You have to think in terms of their psychology. Although we drew a distinction between those who should be prosecuted and those who should not, they did not regard them quite in that way—that distinction. The issue is not the method by which you inform. The question is: is it right to inform them?

Q3752 Nigel Mills: The issue is slightly that, is it not, because for most of us the police or the Crown Prosecution Service could decide not to prosecute today, and then someone could review the case next week, on the same evidence, and come to a different conclusion and re-arrest us, whereas here what you were effectively doing was giving someone a letter of assurance, which we know turned out to be really quite binding, which said, “Once you have got that letter, unless something new comes up, we cannot change our minds.”? And that is quite important.

Tony Blair: Look, the whole situation is unusual because you are dealing with a situation that, of its nature, is not the normal course of things. But I don’t think there is anything particularly wrong in them having done it by letter rather than by any other method.

Q3753 Nigel Mills: It is intriguing because we have a note of a meeting on 12 March 2001 that says: “Gerry Kelly raised a number of individual cases. He acknowledged that the case of X had been resolved, but asked for a letter confirming the position for the record.” So it seems from that that Sinn Fein were very keen not just to have a verbal assurance but to have something in writing that they could rely on. That is not something you recall them asking for, or why they were so keen?

Tony Blair: I do not particularly recall them asking for it, no, but on the other hand it would not particularly surprise me if they had. Whether something is recorded verbally or in writing, and whether it is done on the phone, by letter or in person, is, as it were, the mechanics of informing someone, but I don’t think it is particularly surprising they did it by letter. The question is: should that have been happening at all, and my view is yes, it should have been. But, you know, I don’t—

Q3754 Nigel Mills: You do not recall ever suggesting that these were, kind of, a one-off “that’s it for ever” process: “Once you’ve got the letter, we won’t go back and reopen those cases”? That was never promised to Sinn Fein.

Tony Blair: No; the whole basis upon which this part of the discussion would happen, in so far as it ever did—this, as I say, wasn’t part of the main part of the discussion—was, we can apply the due process of the law and decide which cases aren’t going to be prosecuted, or the prosecuting authorities will decide, and those people can be informed. This is the whole point—this is why I say this thing looks completely different now because of the way we are looking at it—because at the time, all of this was absolutely subsidiary to their principal demand, which was, “You promised you would deal with the on-the-runs question and you are not dealing with it.”

Q3755 Nigel Mills: Okay. Let us fast-forward to 2006. The amnesty Bill has failed. Were you not tempted to say to Sinn Fein, “Look, you didn’t back the amnesty Bill when push came to shove. That’s it. This is off the table now. You had your chance”?

Tony Blair: Look, at any point in the whole of the peace process, you could say to them, “Well that’s just tough. You’ve made the wrong call here.” But you’ve got to work out what the consequences of that might be. I cannot tell you how many times, with all sides during the course of the peace process, people would make demands that I thought were completely unreasonable. And I could have said, “That’s completely unreasonable. I’m not even talking about it with you,” but usually I didn’t. And, by the way, at certain points in this process, everyone accused me of betraying them. It is in the nature of this thing. So, yes, I could have said to Sinn Fein, “I’m just not dealing with it,” but the one thing I do say is that if I had said that at the end of December 2006, we would have lost this thing.

Q3756 Nigel Mills: Going forward a couple of months, we get to Operation Rapid. I suppose the concern is that what happens here is that a lot of people get considered a lot more quickly than under the old process, which suggests that perhaps the checks were a little more cursory than they had been in the past. A lot of people who had been considered before, when it had been decided that they could not have a letter, get reconsidered and some get a letter. We know from Hallett, paragraph 10.35, that for some reason the police start applying a higher threshold, which they then change their mind on a year later. That kind of suggests that we have failed one way to give them the amnesty that they want, so we have effectively weakened the process to try and get some more people through. That is not something you think is a fair interpretation.

Tony Blair: I understand that anxiety. I am just trying to say to you, first of all, that as far as I was concerned, there was always a difference between accelerating the consideration of cases and shifting the burden of proof. I have seen various bits of correspondence from Peter Goldsmith and others saying, “We can provide more resources. We can provide more help and assistance in order to resolve these cases.” To me there is a very clear difference between accelerating the process and shifting the burden of proof. Obviously I wasn’t in the detail of that, but I understand that concern and I understand why Lady Justice Hallett raises it in her review. All I am trying to tell you is that we were also under enormous pressure because this was the moment when the policing got done or didn’t, and therefore when the peace was done or not.

Q3757 Nigel Mills: But in pressing for an acceleration, you weren’t also pressing for a raising of the bar of the prosecution threshold.

Tony Blair: No, I wasn’t, but I do understand that the background of this was an acceleration and the political context was urgent.

Q3758 Nigel Mills: Did you ever have any concerns that you had an historical inquiries process going methodically through the 3,000 plus murders from throughout the process, which was taking a long time in itself, and then this parallel process that was not properly

joined up looking at the cases of individual suspects? Did you not think that the best way to resolve the past was through one process of re-examining all the murders to see whether there was enough evidence for a prosecution, rather than doing the same thing in two different ways?

Tony Blair: That fits into the category of the things that we were considering all the way through. For example, we thought long and hard about truth and reconciliation commissions—something that people had done in South Africa—but all these things were always very difficult because you had to agree the terms, and then people would dispute the terms, and then others would fall out about it. The central thing to come back to all the time, which is why I started with it, is that we would not be having this discussion, and neither would there ever have been such a procedure, were it not for the fact that we had decided to release from prison convicted killers, as a result of a political deal—not as a result of a reconsideration of their evidence and not as a result of a diminution of the seriousness of their offence, but as a political agreement. Therefore, when it comes to the issue of those people who have not been convicted—the so-called on-the-runs—it is important that the context is one in which convicted killers were already out. That is why the thing was both incredibly important but also linked back to the original agreement that we'd had.

Q3759 Nigel Mills: Do you ever wish that you had just put an amnesty in the original agreement?

Tony Blair: In a sense, that's what we thought we had. With the Good Friday Agreement we were dealing with the convicted prisoners; this on-the-run thing came up a little afterwards.

Q3760 Nigel Mills: So that was what you intended it to be—a general amnesty and no more prosecutions for anybody.

Tony Blair: No, no, you could say no more prosecutions for anybody, but we were dealing with the convicted killers and once it then emerged that there were people who hadn't been convicted but might be charged, the question was what you did with them. The whole purpose of what we were engaged in was trying to find, effectively, also a release scheme for them, but we weren't ever able to reach agreement on it. What we were trying to do was make this thing work but without the ability to do such a general scheme. What the Sinn Féin people were always asking for was precisely that—that was their demand from the beginning through to the end. As I say, we never did manage to meet that demand, but that is the way these things happen.

Q3761 Nigel Mills: I can see your logic when you say that if we are going to let people out after two years, effectively, what is the concern about just not prosecuting? But one of those involves a court appearance, a conviction and some kind of punishment, and it gives some kind of closure; the other just involves wiping the slate clean and forgetting about it. There really is quite a hurdle between those two. I don't think that you can just say, "Well, it's about the same, isn't it?"

Tony Blair: No, I am not saying that it's the same. The point you make is a perfectly reasonable one, although I have to say to you that my experience is that the families of the victims of the convicted killers who were released under the Good Friday Agreement, significant numbers of those people were also deeply angry and unhappy about it.

Q3762 Nigel Mills: Yes, but that was a referendum and a vote. It was democratically done.

Tony Blair: Yes, but if you have lost your loved one, I am not sure that that makes a great deal of difference to you.

Anyway, the fact is that you are right, and that is why one of the things that we looked at was the David Trimble proposal, which was perfectly sensible and I was happy to run with it, but we could not get agreement on it.

Q3763 Nigel Mills: Do you fear that the blurring between a conviction and a sentence, however short, and just no further judgment might have permeated the system? Perhaps other people were a little less clear than you that there was a big line between them.

Tony Blair: The people who received the letters were people who were not going to get convicted, because the prosecuting authorities had decided that there was not the evidence, or insufficient evidence, or that it wasn't right to prosecute them. So what you are saying is an argument and was, by the way, the argument frequently made against the bigger on-the-run scheme, but we were never able to get agreement on that. In the end, that was also why I was attracted by and my preference would probably have been to run with something like the David Trimble proposal, because then at least you could say that people had gone through a process, but it was just not possible to get agreement on that.

I come back to and emphasise again the historic nature of what we were asking the IRA and Sinn Féin to do in this. We were asking those people who had grown up with a narrative of policing in Northern Ireland of hatred, of "these people are the enemy" and of "these people are persecuting us," to stop doing what they were doing and to join that police force.

Q3764 Nigel Mills: So the two defences for this scheme that you broadly had are, first, that it was absolutely essential for the peace process and, secondly, that these were meaningless letters that were normal parts of the criminal justice process. You are saying that it was both.

Tony Blair: First of all, I have not called them "meaningless". What I am saying is this: that to deal with the on-the-runs was an essential part of the Northern Ireland peace process, in my view. As I say, and I repeat, you can never be certain whether at this moment in time or at that moment in time if you do not make this compromise, or if you do, that it will upset the whole thing—you cannot know. You can only make a judgment, and those judgments are made and evolved as you go along on a process like this. All I am saying is that that was essential, in my view, to the maintenance of the process, and that this was the most that could be done, because it was done within the existing law for people who were not going to be convicted.

Q3765 Oliver Colvile: First, thank you very much indeed for coming to see us. Also, thank you for staying for so much time, because I think we have run over quite considerably. We are grateful to you for doing that.

So that I can put this in a bit of context as far as I am personally concerned, I was in Harrods when that went up, and I was in Brighton and left the Grand hotel 10 minutes before the event took place. So I am fairly personally involved in some of this stuff.

One of the people in whom I have taken particular interest during the course of this inquiry has been Rita O'Hare. Was she one of those people who was being considered for on-the-runs? Was she the first person for whom you may have actually considered finding a way of doing that?

Tony Blair: I don't know what I am able to say about any individual. By the way, I am perfectly happy to talk to you about it, but I am not sure whether it is legally appropriate. I do not want to put myself or you in a position. I think you need to take some advice before you do that, because otherwise there could be all sorts of implications.

Q3766 Oliver Colvile: We have talked to other people about it, including Jonathan Powell, as you probably know.

Tony Blair: And he confirmed names to you?

Oliver Colvile: Yes, most certainly. We had a conversation that most certainly talked about them. Indeed, he told us how it was that he had been down to Dublin to meet her. He had advised her not to come back to this country, or back into the United Kingdom, because she was most certainly wanted for absconding bail, I think in 1972, which she was involved in. It is a very well known story, which indeed I think even appears in his autobiography as well, so it is not exactly quiet—

Tony Blair: If the staff of the Committee are happy for me to answer it, I am happy to answer it.

Q3767 Chair: I think Oliver is paraphrasing what Mr Powell said. He said words to that effect, that she would be at risk of being talked to by the police if she came back, and I think that is confirmed in Mr Powell's book.

Q3768 Oliver Colvile: I also wrote to both the Metropolitan police and the PSNI, asking them to investigate as to whether or not there was any problem with doing that, and they have come back and said that because it took place in Dublin they could not undertake the investigation.

However, what concerns me is that we have therefore a very senior member of your staff at No.10 Downing street who goes out to Dublin in order to say to a person who is wanted for a crime and who had, as I say, absconded, as far as bail was concerned, "Don't come back." I

just find that very strange, because I would have thought that the one thing that we should all be trying to do is to bring people back to this country to face trial for an activity that they were involved in, and let the judicial process take its course.

Tony Blair: I don't know about that particular conversation, by the way, but what I do know is that if the particular individual had been arrested at that moment, it would have caused huge problems.

Q3769 Oliver Colvile: Right. So, that was something that was worthwhile putting up with—?

Tony Blair: No, I am not saying that. I am just explaining to you that, in my view, that would have been very problematic.

Q3770 Lady Hermon: Why was she so important to Sinn Féin?

Tony Blair: Because she was a vital advocate for the peace process.

Q3771 Oliver Colvile: But she may have been involved in trying to kill someone?

Tony Blair: Look, as I have said to you right from the very outset, there were people—many, many people—we were dealing with in this process who had committed offences that we would regard as horrific. So, if you weren't prepared to deal with them on that basis, you were not going to be having a peace process at all.

Q3772 Oliver Colvile: I think it would be very helpful if she were to return to this country, so that we could deal with this as an issue. I hope that the Government, or whoever has to do it, might consider using the European arrest warrant in order to do so, because it seems to my mind that this is the story of someone who unfortunately has evaded the criminal justice system, and I am very keen that she should be brought to trial, if at all possible.

Q3773 Jack Lopresti: Mr Blair, you have said the process wasn't a secret. You have said that all the political parties in Northern Ireland at the time were aware of it, or at least ought to have been aware of the on-the-runs issue, and a solution needed to be taken. Was there any political pressure from any quarter to—while not classifying the whole thing—keep it quiet and off the radar?

Tony Blair: No, there wasn't. Because of the way it evolved and because we were dealing with people who weren't going to be charged, and therefore you were telling them what was correct, as it were, about their situation, we never had that discussion. Now, as I think the Hallett review says, and I am perfectly happy to accept in hindsight, it might have been better if we had. And I personally think that if we had said that we're only dealing with people and we're sending letters to people who aren't going to be charged anyway, having gone through a consideration by the prosecuting authorities, I'm not sure that it would

have been that difficult to do. And I think that it was the Eames Bradley report in 2009 that actually describes, again, the fact that there were people who had been informed that they were not going to be charged. That is why I say I certainly wasn't aware at the time that people didn't understand that this was going on, but it wasn't the issue people were focused on.

Q3774 Jack Lopresti: Given the cynicism now and the great hurt that has been caused, is it realistic for me to say that a mistake was made in not actually making it a virtue, and putting it more in the public domain, so that it would have been transparent and people then couldn't say that this was all done behind closed doors, and so on?

Tony Blair: Yes, that is what I said at the time. I agree with the Hallett review and what is said there, although I have to say that I think a lot of the cynicism about this comes from people being told there was some secret dirty deal done when there wasn't. And I think those people who keep saying that that is the case also bear a responsibility, because people are being told something that isn't correct.

Q3775 Chair: On that point, when Lord Trimble came before us, he said that he felt let down by the fact that he did not know about it. It is fair for others to assume that there was a degree of secrecy. David was right at the heart of the negotiations, so given that he came before the Committee and publicly said that, it is understandable that others might pick up on that.

Tony Blair: I would always be sorry if he felt that, because I have great respect for what he did. In many ways, he sacrificed his own political career for the good of the process in Northern Ireland. All I am saying to you is, in the discussions with David, as with everyone else, we were focused on dealing with this issue. As you can see from the parliamentary answers given, and indeed from the way that Bertie Ahern describes the process in the Irish Parliament, it was not that people were concealing it.

What did not happen—this is what the Hallett review says, and I am perfectly happy to accept it—was that people did not say, “Okay, this thing has now evolved into something different. Let's sit down, work it out, structure it and so on.” It would have been better if that had happened.

Q3776 Mr Hepburn: Hi, Tony.

Tony Blair: Hi.

Mr Hepburn: You did say in 1997 that you wanted to be addressed as Tony.

Tony Blair: That was in those days, but anyway—

Mr Hepburn: Sorry, Mr Blair.

Tony Blair: No, that is still the same, at least.

Mr Hepburn: First, it is important that we recognise the hard work that you and the Labour Government did from 1997 in bringing about the peace process, because there is no doubt that before then, it wasn't going anywhere. It was your drive and that of the people around you—the Government of the time—that pushed this forward.

When you consider the climate of fear now, after the horrendous week in Paris last week, and compare that with the fact that 3,600 were killed in Northern Ireland and that climate of fear was around every day over a number of years, you see there is no doubt that the Good Friday Agreement was momentous. You have got to be bold, turn around and say, "Risks had to be taken to get a better society, such as releasing convicted criminals from both sides of the divide. And, from that, we have got a better society today." I do not want to ask you a question, because we have been right round and you have put in a good performance today. I am pleased that you came in front of us. I was one of the people who pressed for you to come, because you have got a story to tell. Thanks to you, Northern Ireland can look forward to a better future.

Tony Blair: That is very kind of you, thank you. May I make one point about the time before I came to office? I actually think that John Major played an important part in setting the scene for this. I think that also, when he was doing it, he took risks. There were times when things were done that were difficult to do, but I honestly cannot think of a process that you will ever have of this nature that will not require that type of approach.

Chair: We have one or two very brief supplementaries, if you are happy to take them. May I ask colleagues to be very brief, please?

Q3777 Lady Hermon: Mr Blair, you have repeated on a number of occasions—I have taken this down—that these were people who were not going to be charged or convicted. That is how you have described the recipients of the OTR letters, with the exception of Mr Downey. We are agreed that that was definitely a mistake. The Hallett report looked at all of them. Why can't we have the names of the people who, according to you, were not going to be charged or convicted? What justification is there for keeping their names quiet? I ask you that directly because there is so much anxiety and concern, particularly among the victims, that the person that they think may have killed their loved one may be a recipient of an OTR letter.

It would be enormously helpful and beneficial if we could have the names of those who received these letters who you believe were people who were not going to be charged or convicted. Let's have the names.

Tony Blair: Look, I do not know what the right legal response to that would be. I personally—

Q3778 Lady Hermon: Do you think they ought to be put out?

Tony Blair: It depends. I would seek legal advice before I did that, because some of these people may object vociferously to their name being published if, in fact, they are not wanted. They may say, "You're putting my name out there and actually there isn't

evidence against me.” So it’s not an objection, in the sense that I understand, and I’m sure people would be very happy to look at ways that this could be explained to those who were the victims of individual acts of terrorism, or the families, but I’m not sure that it would be possible.

Q3779 Lady Hermon: I’m sorry, maybe I have misunderstood you. You have confirmed throughout this afternoon’s evidence that the recipients of the OTR letters, with the exception of Mr Downey, which was a mistake, are people who are never going to be charged or convicted. This is just the ordinary course of the law, just taking its course. That’s the impression, in fact, that you have given and told us. Well, if it’s just the ordinary course, and these people were never going to be charged or convicted, then what objection could there possibly be to their names being disclosed, and then we all know they’re innocent people who are never going to be charged and convicted?

Tony Blair: Because I think what some of them may say is, in the context of everything that’s happened, that might be putting them at risk. I don’t know. I mean, I’ve literally not thought about this, but—and, you know, if you as a Committee are going to make a deliberation on that, I’m sure you’ll take legal advice as to whether that’s possible. I’m simply saying I don’t know. I mean, I’ve never thought of that. But I could see a situation in which, if you were one of those people—and let’s say you are one of the people that Lady Justice Hallett refers to, who have never even been sought, you’ve put your name out there in the context—you know, we’re not talking about a situation which has not got a certain heightened tension to it. You know, people might deeply resent that.

Chair: There is a vote coming up fairly quickly, and I don’t intend to go beyond that vote with the Committee, so can we be very brief, please?

Q3780 Ian Paisley: Again, thank you for coming here. Whilst it might seem very personal, it isn’t about you in that sense. This is about a point in the process which we are examining and it is important that we do test it robustly. Unlike some Members I do want to ask questions, because I think that’s why you’re here.

You have said on a number of occasions today that you’re surprised that people just didn’t know about all of this. There are two reasons why it’s clear that couldn’t have happened. First of all, people would have made political capital out of it, as you know was always the way in Northern Ireland: those for and against it would have made political capital out of it. That didn’t happen until after the Downey issue and debacle was exposed.

Secondly, and this is my question, under your Government—and indeed before, but principally under your Government—judicial review became the norm. When a Government policy was produced it was tested—claimants and potential claimants with the right to test it. The fact is that for 14 years potential claimants of your policy, some of whom are sitting in the gallery, had no right to use and exercise that basic human right of exercising judicial review of your policy because it was kept from them. They didn’t know it was going on.

In that way and on that basis you bent the law, twisted on the law and, indeed, frustrated the law from taking place. Whether you acted illegally or not will be a judgment that we will

have to make as a Committee. But on that basis you frustrated people exercising their basic right to judicially review this decision. Do you accept that?

Tony Blair: I don't accept that.

Q3781 Ian Paisley: So how could I have judicially reviewed that as a claimant, as a victim?

Tony Blair: Because there were people—look, first of all, this goes back to the point we debated earlier, as to whether this was secret. The Hallett review finds it wasn't and part of the reason for that—

Ian Paisley: So how do I judicially review this letter, which I didn't know about—which you have told me it was good people didn't know about the letters?

Tony Blair: Part of the reason why she found that it was known about or was not kept secret was because there were parliamentary questions and answers on it and the thing was actually debated. The fact of the matter is, Ian, people didn't—

Q3782 Ian Paisley: But there was never a discussion, Mr Blair.

Tony Blair: People didn't think this was wrong until the Downey case, which was a mistake, came out and then, as I say, people are now looking back at this in completely the opposite way to how they were looking at all these issues at the time.

Q3783 Ian Paisley: You know as a lawyer that isn't good enough. You know as a lawyer—and indeed if you were there representing a claimant—that their right to test this in court was denied to them for 14 years, and now it's not open to them to test.

Tony Blair: I don't agree—

Ian Paisley: Oh, come on.

Tony Blair: I don't agree in any way that we abrogated judicial review. But Ian, the fact is that you and I come at this from a completely different perspective. When we did the Good Friday Agreement—the Belfast Agreement—you and your party were opposed to that agreement.

Q3784 Ian Paisley: Yes, but we accepted the outcome of the people. We were never allowed to vote on this aspect, because it was secret. That is the difference.

Tony Blair: Ian, there was never anything that you accepted if you didn't agree with it.

Q3785 Ian Paisley: That's not true.

Tony Blair: No, it absolutely is true.

Chair: Order. We want a very quick final question.

Q3786 Ian Paisley: In fact, you have made it clear today in evidence that we accepted going into government with Sinn Fein. Why did we do that? Because after pressing you and pressing them, we negotiated for them to sign up to the rule of law, support for the police and, more importantly, something you pushed me on in a phone call one night—“Don’t ask them to publicly swear an oath of allegiance to the police”—we asked them to swear the oath of allegiance, and we got that oath of allegiance. That is not the same side or the opposite side of the coin of Sinn Fein doing a deal with you five years before on this.

Tony Blair: First of all, they didn’t do a deal with me. Secondly, I totally applaud the stance that your father took, and you took, in eventually going into government, but let us be absolutely clear: if it had been left to the DUP in 1998, we would have had no Belfast Agreement, no Good Friday Agreement and no peace process.

Q3787 Ian Paisley: We were a minority party.

Tony Blair: I am not disagreeing with your integrity in taking the positions that you took; I am simply pointing out the fact that without the UUP in power at the time, we would never have had the peace agreement.

Q3788 Kate Hoey: You have come along today because you have nothing to hide, and you have been very frank and open. Does it surprise you that the other key player in all this, Gerry Kelly, has refused to come along? Does that tell us that he has something to hide?

Tony Blair: That is really a matter for him and not for me.

Q3789 Kate Hoey: You won’t be meeting him at any event?

Tony Blair: Not that I know of.

Chair: Mr Blair, thank you very much for joining us.