

Record of meeting

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TITLE	Operation Kenova Governance Board		
SUMMARY	Record of discussions and recommendations made by the Board		
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Minutes of Inaugural Meeting 2nd June 2020, 4pm
Video Conference

Present

Jon Boutcher (Interim Chair) - JB
 Keith Surtees - KS
 Liam O'Brien – LO'B
 Phil Wells - PW
 Iain Livingstone - IL
 Fr. Martin McGill - MM
 Bertha McDougall - BMc
 Monica McWilliams - MMc
 Sir John Chilcot - JC
 Rev. Harold Good - HG

Guests

Suzanne Jordan
 Andrew Mortimer

1. Opening Remarks

JB – thanked those present for agreeing to become part of the Board. He then briefly outlined the requirement for effective and independent governance/oversight to ensure that Operation Kenova remains Article 2 ECHR compliant and discharge's its obligation to families, victims, communities and those that are engaged by the investigation team. Kenova will continue to report into the Northern Ireland Policing Board (NIPB) when requested as per the terms of reference for each of the investigations the team are undertaking.

As Kenova has evolved the investigation has successfully identified and recovered material that many families/victims might have expected to be destroyed. The discovery of this material has been instrumental in the progress made by the investigation. There remain some challenges to be overcome with the release of that material for purposes of any potential criminal justice processes and for the overarching Kenova findings report.

JB committed (with the agreement of Sir George Hamilton the previous chief constable of the PSNI) to producing a narrative report at the conclusion of the investigation. The report cannot be placed in the public domain until any prospective criminal justice process has concluded. JB envisages that it will be a primary function of the Board to make sure that the report is as thorough, objective and fulsome as possible. The Board will also need to be reassured by JB that legal due diligence regarding the content of the report has been properly applied.

2. Introductions

JB asked the members of the Board to provide a brief introduction.

JB - 36 years in policing having served most of his career in the Metropolitan Police Service (MPS) and finishing as a chief constable. JB was a detective almost throughout his entire career. Chief Constable George Hamilton (retired) approached JB in early 2016 regards leading the Stake Knife investigation. JB was instrumental in setting up Operation Kenova. Jon recently retired from the police service simply because of the commitment required to deliver a rigorous investigation and is determined that the families get to know what happened to their loved ones where that information is still discoverable.

KS – recently retired MPS Commander. Spent the last 15 years of his career in Counter Terrorism Command and was Deputy to the Senior National Coordinator. In the last 2 years of his police service KS assisted JB in standing up the capability that is now Operation Kenova. KS is now a Senior Investigating Officer exclusively on Operation Kenova.

L O'B – Retired West Midlands Police (WMP) Assistant Chief Constable. In the last 10 years of service he served as Head of Special Branch and head of the WMP Counter Terrorism Unit. He moved into the policing interoperability programme for the Olympics 2012, and then spent 3 years with National Police Chiefs Council developing specialist capabilities for National Policing. Prior to joining Kenova LO'B was senior policing advisor for the Home Office.

PW – Is the current Assistant Chief Officer at Bedfordshire Police responsible for strategic management and delivery of all non-policing functions. PW is also non-executive director for a mental health trust.

IL – Is the serving Chief Constable Police Scotland and the lead for Operation KLINA, a high profile PSNI legacy investigation. Prior to this IL served in serious and organised crime and spent a short period seconded to Ombudsman's Office in Belfast. IL is a member of the Kenova Independent Steering Group and believes Operation Kenova has made a significant contribution to improving confidence, and enabling access to justice and reconciliation moving forward.

JC – Civil Servant for 40 years serving in the Cabinet Office/Home Office engaged on matters of policing/intelligence and significantly, was Permanent under Secretary in NI 1990-97. Following his 'retirement' JC was appointed chair to the IRAQ inquiry and experienced considerable obstruction to gaining access to material. JC feels an obligation to the people of NI as his first major role was to prepare the contingency plans for the overturning of the devolved government in 1969.

MMc – Professor Emeritus at University of Ulster and former Human Rights Commissioner, MMc is a Patron of WAVE and has worked extensively in the field of domestic/sexual abuse, criminology and Prison Reform. MMc was actively engaged in the multi-party talks that lead to the Good Friday agreement and hope's with her experience of NI and the conflict that she can bring 'something different to the table'.

BMc – Teaching/education advisor and former Commissioner of Victims and Survivors Service BMc is a lifelong advocate for services to victims/survivors. BMc has seen a lot of over the years and remarked how impressed she is with how Kenova colleagues have built trust and confidence with victims and survivors. BMc is an active member of the VSS Board.

MM – Catholic Priest ordained in 1988. Has served in mostly north and west Belfast and is currently Parish Priest for St Johns in West Belfast. MM has been actively involved in peace and reconciliation matters since being ordained. More recently he was involved in the multi-denomination initiative 'Irish Blessing 2020'.

HG – Pastoral ministry was set around the issues that Kenova are concerned with. HG is a former member of the Human Rights Commission and actively engaged in reconciliation via the 'Healing through Remembering' project. HG was a witness to the decommissioning process and is an advocate of the assertion that 90% of conflicts can be traced to failures to resolve issues of the past.

3. Update on Kenova investigation

JB - Operation Kenova was achieving more than expected. 12 files have already been submitted to the Director of Public Prosecutions with another 4-5 files imminently to be submitted. To assist in this regard Operation Kenova has engaged a senior QC.

Narrative Report. Kenova anticipate potential challenges of disclosure from agencies. There is a well-documented history of previous inquiries not being afforded access to material. Kenova have managed to overcome these difficulties and as a consequence victims/witnesses have come forward

and gave accounts of their experiences at the hands of ISU. JB hopes that the heads of agencies understand the compelling reasons for the truth and sensitive issues can be protected whilst not compromising the story of what happened being told.

Article 2 compliance – JB will not allow Kenova to become complacent. There is a constant cycle of review/inspection, the most recent being an inspection conducted by Human Rights barrister, Alyson Kilpatrick BL. Further reviews are scheduled for the next 6-12 months to ensure continued improvement. The Kilpatrick interim review is posted on the Kenova website.

KS – provided a brief resume of the Stake Knife investigation and methodology. The investigation has resulted in Kenova examining 120 incidents brought to our attention by victims/advocates/solicitors and other interested parties.

Forensics playing a part. Recovering new evidence some 30-35 years after the event. As much attention to detail is being paid to those offences where we cannot place submissions to the DoPP as Kenova want to provide families as much information as is possible as to what happened to their loved ones.

KS provided a brief overview of Operation Mizzenmast (arising from the ‘McQuillan Judgement’) and the scheduled media appeal on the anniversary of Jean Smyth-Campbell’s death.

Operation Turma, relates to the 1982 murder of 3 RUC officers, at Kinnego Embankment. The incident was a pre-cursor to other events that led directly to the Stalker ‘Shoot to Kill’ investigation.

JB - Operation Denton, (arising from the ‘Barnard Judgement’) is at the early stages of the investigation. The team are engaged with families, both within Northern Ireland and ROI (including the victims/families of the Dublin and Monaghan bombings).

LO’B outlined the nature and extent of the review describing the layered approach adopted.

Declarations from the Board of knowledge of possible conflicts. Noted for the minutes.

4. Terms of Reference of the Governance Board

A discussion ensued with regards the draft Terms of Reference for the Governance Board. The draft document was examined by the Board

JB invited comments/observations and any amendments required.

Board comment - Item 4 Role of Governance Board. Article 2 extends beyond the rights of the victim. Board suggests JB considers rewording to acknowledge suspects rights.

JB reassured the Board all suspects are treated with courtesy and respect. Acceptance of the article 2 rights of all those engaged by Kenova. The wording will be amended.

Board comment - Item 5 – Mentions long term success. What is JB’s expectation as to length of Board Members involvement?

JB estimates that Kenova have 2-3 years’ work prior to any potential transition to longer term legacy institutions.

Board comment - Issue raised the issue of diversity and the recommended 40% female representation guide. JB acknowledged this as a matter that will require constant review moving forward. *(Kenova Comment – The investigation has three independent groups providing article 2 compliant related support – each group has six members – The Independent Steering Group, the Victim Focus Group and the newly formed Governance Board. Of those 17 members, eight are women, the diversity of the backgrounds, religion, nationality and professions of those on the groups is considerable)*

Board comment – Item 7 – change the Board ToR to hold the OIOC to account (rather than the Chair). The Board enquired as to the policy to be adopted if the Chair remains JB. JB suggested this be discussed at the meeting in September when the appointment of the Chair will be a specific agenda item.

Minutes will be shared with Board members prior to any reference being made on the Kenova website.

Board member enquired if *minutes* of these meetings are to be placed on the Kenova website.

JB responded by stating the website makes reference to the meeting taking place rather than posting actual minutes of the meeting. It was intended to place minutes on the website.

Board member enquired about FOIA applications – Kenova are subjected to FOIA requests.

5. Election of Chair

JB will act as interim Chair for the scheduled September meeting (date and venue to be confirmed). At this meeting the appointment of a Chair will be an agenda item.

6. Meeting frequency

There was broad consensus that meetings should be on a quarterly basis.

7. Public announcement of the Board

JB would like to make a formal announcement of the constitution of the Board. To assist in this regard JB requested Board Members submit a short (150 word) biography for use during the launch.



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Action 1/20/GB - All Board members to provide short Biography suitable for inclusion in any media release and for posting on the Kenova website.

8. AOB

None raised.

JB thanked each member of the Board for their commitment to assisting families get access to the truth through ensuring continuously improving governance of Kenova.