

Thank you for the opportunity to appear today.

I thought it might assist the committee to briefly be reminded of the matters I am investigating.

Firstly the investigation into the activities of an alleged agent known as Stakeknife and any others that may have offended with him. I agreed to this in June 2016.

Next - The investigation into the 1972 killing of Jean Smyth-Campbell that began in June 2019

Then - The investigation into the killing in 1982 of RUC officers Sean Quinn, Allan McCloy and Paul Hamilton, that began in September 2019

Most recently - The review of the Glenanne Gang series of murders committed during the 1970s, estimated to involve 120 deaths, I agreed this in January 2020.

In total some 236 murders are being examined by Operation Kenova.

I will deliver my findings of these investigations in separate public reports after any potential criminal justice process.

I was invited to lead these inquiries by the current and previous Chief Constable of the PSNI.

In June 2016 I had no staff, no premises or investigative model for such complex cases – by early 2017 we had secured premises to hold the most sensitive material, handpicked 40 staff (vetted accordingly), achieved agreements with agencies to access sensitive records and designed an investigative plan.

To assist my thinking I spoke to numerous stakeholders and family groups with legacy experience to build the most inclusive and robust investigative structure.

Three independent groups separately provide oversight, advice re victims and expert investigative input to ensure the cases are investigated thoroughly and in accordance with ECHR. Each group has considerable experience, either of Northern Ireland and its legacy challenges, of championing victims' rights or of leading complex investigations.

We have submitted a number of files to the Director of Public Prosecutions for the Stakeknife cases. The evidence submitted relates to activities of terrorists and members of the security forces. These files reflect the acquisition of evidence previous investigations had not recovered.

Legacy requires 3 key pillars; an absolute focus on families, high quality investigations or reviews and unfettered access to information.

Placing families at the centre of legacy is crucial. Many families including from the security forces feel that the authorities have failed them. Bereaved families often had little or no contact with the police, scant information about any investigation and were often not informed of inquests. Recognising that at times, there were security reasons for these failings; it led to significant mistrust for some families.

Families want to be listened to, acknowledged and told the truth of what happened. They want to know that their loss mattered, that what happened was wrong, it is a failing of us all that so many families believe the authorities do not care about what happened.

Their loss feels as if it occurred only yesterday. If the truth is denied them their next generation will carry on the fight for answers and the past will not heal.

Outcomes should not be judged by criminal justice processes – the CJS **never** could or should be a comprehensive solution for dealing with the past.

Legacy requires a commitment to and openness towards families. The truth can still be uncovered for many. Some families do not want to re-visit these traumatic events and their wishes must be respected.

The inability of the security forces to properly investigate cases in part due to the threat is well understood and we should never forget their sacrifice in lives lost.

The operating model during the Troubles consisted of the security forces (often) prioritising intelligence collection above information dissemination. They focused on protecting where intelligence came from due to the high risks involved in its collection. Investigators were often not given the available intelligence.

A critical success for Kenova has been the agreeing of information sharing protocols with the leadership of the PSNI, MOD and MI5. We have recovered records others did not have access to.

Notwithstanding this, a culture of secrecy prevails within the security forces. They see any examination of legacy in itself as a criticism of them and that disclosure of information represents a threat to national security. Neither assertion is correct. It is what sets us apart as a democracy that having been unable to deal with these cases properly at the time due to the danger that existed to everyone we should now do what we can to give families information.

Addressing legacy was the missing element of the Good Friday Agreement. That hugely important part of the peace process saw those involved in violence become part of power sharing, the transformation of policing, the decommissioning of weapons and most controversially the early release of prisoners including murderers; these were brave, innovative and progressive measures. The same reaching out approach should be afforded the victims.

The determination of families to discover that truth is as strong as ever. Recent legal judgements shows the law to be on their side. We can provide many families who wish it, with information – some commentators suggest the costs of such a process are prohibitive – they are not - the cost of not offering such a process to families is immeasurable both for the economic and social future of NI.

I would be happy to answer any questions.