



OPERATION KENOVA

Rt Hon Hilary Benn
Secretary of State for Northern Ireland

Sir Iain Livingstone QPM
Head of Operation Kenova
PO Box 8000
London SE11 5EN

6th August 2024
Our ref: IL/RW/SD/06.08.2024

Dear Secretary of State,

I am grateful for the meeting we held on Tuesday 30th July. As we discussed, Operation Kenova is an investigation into the activities of a state agent code named Stakeknife who was operating during the Northern Ireland Troubles, handled primarily by the British Army. Operation Kenova has also investigated and reviewed other Troubles related matters. The terms of reference can be seen at www.opkenova.co.uk. Operation Kenova was established in 2016 and was initially led by Jon Boutcher until October 2023 when he was appointed Chief Constable of the PSNI. At that time, I took over as Officer in Overall Command with responsibility for the Operation Kenova caseload.

Between October 2019 and April 2021 Operation Kenova submitted to the Director of Public Prosecutions of Northern Ireland (DPPNI) 28 prosecution reports relating to 35 separate individuals including suspected terrorists, members of the British security forces, the Police Service of Northern Ireland (PSNI) and a Public Prosecutor. The DPPNI subsequently decided not to pursue prosecutions in any of these cases.

On 8th March 2024 the PSNI published the Operation Kenova Interim Report, prepared by Jon Boutcher, concerning the activities of Stakeknife and the management of Stakeknife by the security forces in Northern Ireland. Families of victims have all met with Operation Kenova staff and been informed of what was found from the investigation into their loved one's murder. The families will in due course be provided with an individual written report on their specific case.

The files submitted to the DPPNI, statements made within the interim report and updates to families were made on the understanding that Operation Kenova had been given full access to all MI5 files relating to the agent Stakeknife.

On 8th April 2024 I was informed that further MI5 files relating to the agent Stakeknife had been found by MI5. We were assured that Operation Kenova was made aware of this as soon as it came to light and MI5 resolved to conduct further searches. Operation Kenova took possession of the initial material on 20th May 2024 and following the further searches I have been notified that additional associated files have since been discovered, the most recent notification being on 19th July 2024. I am also aware the searching is not yet complete.

It is of course of great concern that further material continues to be given to Operation Kenova by MI5 nearly 8 years after Operation Kenova commenced; after all the DPPNI determinations in the prosecution reports have been made; following the publication of the Operation Kenova Interim report; and a matter of weeks before the introduction of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023.

I have met with Mr Stephen Herron, DPPNI and informed him of the above circumstances and will in due course submit to him a detailed analysis of the new material. I will not publicly specify the detail of the material that has now been provided until it has been fully assessed and I have reported that assessment to the DPPNI, but will include as much information as possible in the final Operation Kenova report. I have directed that the new information now disclosed be analysed and checked for evidence and information that could have assisted both Operation Kenova and the DPPNI in their work, as well as for any implications for the accuracy of the Interim Report. I also instructed senior counsel to assess the initial material received to assist in our full analysis to be submitted to the DPPNI. This work continues.

However, from the due diligence carried out, our initial assessment is that the files received from MI5 contain significant new material which appears to point to new investigative leads not previously known. Importantly the material does not indicate

further murders of individuals that involved the agent Stakeknife and as such no further deaths would fall into the Operation Kenova terms of Reference based on the now disclosed material. However, the material does appear to cast doubt on some of the documents and witness evidence obtained by Kenova and some statements made in the Interim Report. This includes information provided by the security service around the dates when they became aware of the agent Stakeknife.

I will copy this letter to the DPPNI Stephen Herron, Chief Constable PSNI Jon Boutcher, the Director General of MI5 Ken McCallum and the Cabinet Secretary Simon Case. Vitally I will ensure all families affected are personally updated. Thereafter in the interest of transparency and public confidence, it is my intention to publish this letter on the public facing Operation Kenova website.

*Yours sincerely,
Iain A. Livingstone*

Sir Iain Livingstone
Head of Operation Kenova

CC: DPPNI Stephen Herron
CC Jon Boutcher, PSNI
DG Ken McCallum, MI5
Cabinet Secretary, Simon Case

