

January 2007

# **THE TRUTH ABOUT MI5**

**WHAT THEY DON'T WANT YOU TO KNOW**

**A Better Way to a Better Ireland**

## MI5 – THE TRUTH BEHIND THE BLAIR/ADAMS STATEMENT

*"If you go and ask someone over in London their view of MI5, they might tell you that MI5 is unaccountable there as well."*

Gerry Kelly, Sinn Fein, Evening Extra, 10 January 2007

### INTRODUCTION

Both the British Government and Sinn Fein have been making false claims about the proposed role of MI5 in the North.

**That's because – like the On the Run legislation – Sinn Fein has been colluding with the British Government to cover up the truth.**

Sinn Fein says that they want MI5 out of the North and that the Blair statement *"gets us a very major step closer to that."*<sup>1</sup>

**In fact:**

- **MI5 is taking over and getting primacy for intelligence policing;**
- **It covers domestic terrorism as well as international; and**
- **The Police Ombudsman will not be able to investigate what MI5 are up to.**

In this paper we expose the truth behind the Blair/Adams false claims. We do this because if the British Government proceeds with MI5 primacy as planned **families who have been let down by MI5 will have nowhere to turn to get complaints properly investigated.**

We have no desire to make things difficult for Sinn Fein. Our argument on MI5 has been with the British Government. However, on 9 January Sinn Fein deliberately lied about our record and we have the right to set things straight.<sup>2</sup> And when we see what has been achieved on policing being damaged by anybody, we will call it as it is. We have never made it hard for people to do what is right. But we won't let them do what is wrong.

None of this is a reason for Sinn Fein to refuse to sign up to policing. They owe it to victims of crime to do so. But they also owe it to the public, especially victims to collusion, to be honest about what MI5 is up to and to join with us in opposing it.

### JOINT BRITISH GOVERNMENT/SINN FEIN SPIN

Gerry Kelly has stated that they wanted to *"stop MI5 having any role in civic policing here"* and that yesterday's proposals will *"go a long way towards achieving that objective."*<sup>3</sup>

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<sup>1</sup> Press association interview, 10 January 2007.

<sup>2</sup> The first attack came from Sinn Fein on 9 January 2007

<sup>3</sup> SF statement, 10 January 2007.

He pointed to seven supposed advances in the Blair/Adams statement. In fact, each of these is either **misleading** or **nothing new**.

**1. “No secondment of PSNI members to MI5”**

This is **misleading**. The Blair/Adams document states that “*police officers who act in a liaison capacity with the Security Service will be PSNI Headquarters staff.*” But it does not say that they must be located in Police Headquarters. There is nothing to stop them being located in MI5’s new offices – and we believe that they will be located from there.

**2. “No PSNI members will be under the control of MI5”**

This is **misleading**. The truth is that national security has up until now been dealt with by the PSNI. Now MI5 will control national security. They will have primacy. They will do this work. And MI5 can take on more and more as the British Government expands the definition of national security ever wider.

**3. “MI5 will have no role in civic policing”**

This is **misleading**. MI5 does not have the power to arrest or seize evidence. They need the PSNI to do this. When MI5 have primacy, they will do the intelligence work and leave it to the PSNI to make arrests. If their intelligence is defective, the PSNI may arrest the wrong people.

So **MI5 will affect how policing is carried out**. But **MI5 will not have to account to the Police Ombudsman for their effects on policing** – because she can only investigate the police. So if their intelligence is wrong, she will not be able to find out whose fault it was.

**4. “All PSNI members accountable to the Policing Board and other Patten mechanisms and upon transfer to the Justice Ministers.”**

There is **nothing new here**. PSNI members have always been accountable to the Policing Board, Police Ombudsman and the Chief Constable.

**5. “All party representation on the Policing Board special purposes committee”**

There is **nothing new here**.

Section 28(3) of the Police (Northern Ireland) Act 2003, which implemented the commitments received by the SDLP on policing at Weston Park, already:

- allowed for a special committee of the Policing Board to be set up to receive sensitive information; and
- required it to be as far as practicable representative of the Board.

This law also required that the special committee have 7 members. This number was chosen because this would allow 3 independent and 4 political members. That way all four main parties would have to be represented. **All party representation was always a given.**

**6. *“The Police Ombudsman will have statutory access to all information held by PSNI and statutory powers to hold PSNI members to account. Arrangements will be made that she will have access to information held by MI5 where this is necessary to the discharge of her duties.”***

There is **nothing new here**. The Police Ombudsman has *always* had statutory access to information held by the PSNI and powers to hold PSNI members to account.

However, now it will be MI5, not the PSNI, that gets the lead on national security. And the Police Ombudsman is promised no statutory power to access information they hold. All that is said is that MI5 can agree to give her documents. But the bottom line is they don't have to if they don't want to.

**We cannot understand how Sinn Fein can claim this as a success.**

**7. *Annual Review role in the north for Lord Carlisle in consultation with the First and deputy First Ministers and future Justice Ministers.***

The truth is that Lord Carlile:

- will only be looking into what is going on once a year:
- will not be investigating complaints;
- will be powerless. MI5 don't have to share any information with him if they don't want to.

Lord Carlile also:

- Supported 90 day detention without trial: *“I share the view that as a maximum three months is probably a practicable and sensible option, all other things being equal.”*<sup>4</sup>
- Supported control orders.<sup>5</sup>
- Supported no jury Diplock Courts in the North for each of the last five years.<sup>6</sup>

<sup>4</sup> See Telegraph, 14 Oct 2005, [telegraph.co.uk/news/main.jhtml?xml=/news/2005/10/13/nterr13.xml](http://telegraph.co.uk/news/main.jhtml?xml=/news/2005/10/13/nterr13.xml). See also [www.annebegg.info/The%20advice%20of%20Lord%20Carlile%20on%2090%20day%20detention%20without%20trial](http://www.annebegg.info/The%20advice%20of%20Lord%20Carlile%20on%2090%20day%20detention%20without%20trial)

<sup>5</sup> <http://www.liberty-human-rights.org.uk/news-and-events/1-press-releases/2006/carlile-calls-for-renew-of-pta.shtml>

<sup>6</sup> [http://www.nio.gov.uk/report\\_on\\_the\\_operation\\_in\\_2005\\_of\\_part\\_vii\\_of\\_the\\_terrorism\\_act\\_2000.pdf](http://www.nio.gov.uk/report_on_the_operation_in_2005_of_part_vii_of_the_terrorism_act_2000.pdf)

## AND SOME MORE SINN FEIN SPIN

### ➤ “SDLP supported Annex E”

This is **totally untrue**. Sinn Fein also alleges that the SDLP “*publicly supported the proposals [in Annex E of St Andrews on MI5] and bizarrely claimed them as a victory.*”<sup>7</sup>

In fact, the SDLP recognised that this was the first paper ever produced for parties on MI5 but responded that we had “*serious concerns*” regarding it.<sup>8</sup> Nowhere did we claim that Annex E was a victory. That is why we have been pushing further on MI5 for the last three months.

### ➤ ***Blair statement “a major step closer” to getting MI5 out of Ireland***

Gerry Kelly stated:

“The whole issue of MI5, and these security services are also in the south of Ireland, is that if they act illegally then we have a PSNI which is not signed up to MI5 and which will hold them to account.

“We want MI5 out of Ireland, there`s no place for it north or south. This gets us a very major step closer to that.”<sup>9</sup>

This is **totally untrue**. The Blair/Adams statement effectively confirms that MI5 will be getting primacy for national security and an enlarged role. And it does nothing to give the Police Ombudsman the power to investigate MI5 in the North.

## AND SOME MORE BRITISH GOVERNMENT SPIN

### ➤ ***“Move is about international terror”***

The British Government in the second paragraph of its statement gives the impression that MI5 will be about international terror only. This is **untrue**. If you read the statement closely it says that MI5 and the Chief Constable will interact “*for example in response to the threat of international terrorism.*” Clearly they will interact on domestic terrorism too.

Likewise Peter Hain wrote to Mark Durkan that recent recruitment by the Security Service “has been *principally* in relation to the increased threat from international terrorism.” Again, clearly domestic terrorism is covered too.<sup>10</sup>

An MI5 spokesman told the Irish News the truth:

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<sup>7</sup> SF press release, Gerry Kelly, 10 January, 2009.

<sup>8</sup> See our response at <http://www.sdlp.ie/documents/MI5Paper12oct06.doc>.

<sup>9</sup> <http://u.tv/newsroom/indepth.asp?id=79199&pt=n>

<sup>10</sup> Letter to Mark Durkan, 11 January 2007.

*“However, MI5 said that it was “continuing to do a substantial amount of work against Northern Ireland related terrorism” and would be taking on additional responsibilities for counter-terrorist work “in the region from 2007.”<sup>11</sup>*

## **AND A TRUTH FROM SINN FEIN**

To be fair, there is one issue upon which Sinn Fein has been honest – though perhaps inadvertently. Gerry Kelly stated on Evening Extra, 10 January 2007:

*“If you go and ask someone over in London their view of MI5, they might tell you that MI5 is unaccountable there as well.”*

That is **true**. The only body that will be able to investigate complaints against MI5 is the Investigatory Complaints Tribunal. But:

- Of the 380 complaints that it has received from 2000 to 2004, it has not upheld a single one;<sup>12</sup>
- Not once have reasons been given;<sup>13</sup> and
- Whereas anybody who has been subjected to surveillance can bring a complaint, people like the Omagh victims cannot.<sup>14</sup>

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<sup>11</sup> Blair: MI5 and PSNI completely distinct, Irish News, Thursday 11 January 2007.

<sup>12</sup> <http://www.theyworkforyou.com/wrans/?id=2006-10-30c.97404.h&s=section%3Awrans+speaker%3A11589#g97404.q0>

<sup>13</sup> See 10 above.

<sup>14</sup> S.65(4) Regulation of Investigatory Powers Act, 2000.