Dear Gerry,

Thank you for your recent submissions to me in my capacity of Chair of the Northern Ireland Affairs Committee.

I note that you would prefer not to give oral evidence to the Committee as part of our inquiry into *The administrative scheme for "on-the-runs"*, and have discussed this with the Committee. It was agreed by the Committee that I should write to you in order to clarify one or two matters to which you refer.

Firstly, I think it is important to correct any impression you may have that "this investigation is being used as a mechanism by the British government...to delay dealing with some aspects of the legacy of the conflict and dealing with the past". However, HM Government has played no role in the setting up of the inquiry. Indeed, it did not welcome the Committee undertaking its own inquiry on the matter. On the contrary, following the announcement of the stay on prosecution placed on the Downey case, Ministers were not intending to make an oral statement to the House of Commons, until I obliged the Attorney General to do so by way of an Urgent Question, so the initiative was the Committee’s.

Furthermore, HM Government would, in fact, have preferred focus to be placed on the Judge-led inquiry rather than the one I am leading. I can therefore assure you that, as with all select committees, the Northern Ireland Affairs Committee is an organ of Parliament, not of government.
On that point, I note that Sinn Féin has already co-operated with the Hallett inquiry. This is, of course, an inquiry set up by HM Government and, given your concern about HM Government’s involvement in this issue, it is perhaps surprising that you have taken what appears to be an inconsistent line by co-operating with the government-sponsored inquiry, while declining to fully engage with our independent Parliamentary inquiry.

There is a further point regarding this. One of the concerns being expressed by victims, their families, and others, about the OTR scheme is that it was put together and run in private. I appreciate that you would dispute this point, but very many people, including the police, victims and victims’ groups, law officers and politicians, are insisting that, while they know of the OTR issue, they knew nothing of any scheme being put in place to deal with it. Indeed, Mr Justice Sweeney, in his summing up, said that “Mr Adams expressed the view that, in terms of Republican confidence, it would be better if there were an invisible process for dealing with OTRs”. It is felt, therefore, that Sinn Féin’s co-operation with the Hallett inquiry, which is being held in private, and your preference to not fully engage with our publicly held inquiry, further reinforces the private, secretive nature of the scheme.

Regarding the select committee, you made the comment that it “is made up almost entirely of political opponents of Sinn Féin”. Given that all select committees are made up of people from opposing parties, there is bound to be political rivalry involved. For example, a majority of people on the Committee would be opponents of the Conservative Party, and of the Labour Party and so on. It would, of course, be open to Sinn Féin to partake in the activities of any select committee, but it is an unfortunate consequence of your Party’s policy of not taking your seats in the House of Commons that you are not able to do so. Speaking for myself, as someone who meets regularly with the President of your Party, the deputy First Minister, Sinn Féin MPs and other members of your Party, I would welcome a Sinn Féin member onto the Committee. I might add that, as Co-Chair of the British-Irish Parliamentary Assembly, I appreciate the valuable contribution made by Sinn Féin MLAs and Members of the Oireachtas in both plenary sessions and in committee.

You then state that “This (the Committee’s make-up) has at times led to a politically partisan approach to conflict-related issues among others”. This is simply not the case – this is the first inquiry which we have carried out under my chairmanship into a conflict-related issue, although we did hold a public evidence session with Lord Saville following the publication of his report into events on Bloody Sunday.

Your letter also lists a number of issues which you feel that the Committee should look into, but this is something of a distraction from the issue we are discussing here, which is OTRs. It may or may not be the case that we will look into those further issues. Under my chairmanship, however, we have largely focused on issues which we felt might help boost the economy of Northern Ireland, such as corporation tax, air passenger duty, an air transport
strategy and banking structure, and have only turned out attention to the OTR issue because of the considerable public demand that we do so.

Regarding the conduct of individual members, the Committee has been complimented a number of times, including last Tuesday by the Justice Minister, on the sensible and fair way in which we question witnesses. As long as I am Chair, this approach will continue. And Sinn Féin have, of course, given formal evidence to us before, when Raymond McCartney MLA and Seán Oliver appeared before us when we were carrying out our pre-legislative scrutiny of the NI (Miscellaneous Provisions) Bill and Daithí McKay MLA (Chair of the Assembly’s Finance and Personnel Committee) actually invited the Committee to Stormont to take public evidence from him and the SDLP’s Patsy McGlone MLA (Chair of the Enterprise, Trade and Investment Committee) on the inquiry into Banking structure in Northern Ireland.

Your comments about political interests having been the motivation for the launching of our inquiry, as opposed to concerns for victims, is disingenuous to say the least. We have taken evidence from victims and victims’ groups, and I can assure you that, as I said in the House of Commons a few days ago, we believe that concern for the views and the needs of victims and their relatives should be at the heart of any decisions taken over such matters in Northern Ireland. We intend to take further evidence from victims’ representatives shortly.

In summary, we are therefore surprised and disappointed that Sinn Féin is willing to give oral evidence in private, to a government-appointed inquiry, but not to do so in public, in either Belfast or at Westminster, to our independent inquiry. We are left wondering, if everything to do with the OTR scheme was legal, above board and, in your view, generally known about, why object to discussing this matter with members of our Committee? In this inquiry, we only seek the truth, and we are disappointed that Sinn Féin do not appear to be willing to help us discover it.

I remain ready and willing to discuss this matter further with you on the telephone, by letter or face to face. I look forward to hearing further from you.

You will wish to note that the Committee agreed that, once I have sent this letter to you, I should make it available publicly by putting it onto the Committee’s website.

Yours sincerely,

Laurence Robertson