

## STATEMENT OF WITNESS

### STATEMENT OF JOHN STEELE

DATED THIS 16 DAY OF Sept. 2009

I, JOHN STEELE declare that this statement is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence at the Inquiry I will be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

1. The Inquiry has disclosed a number of documents to me. Where I make specific reference to a document in my statement I have given the number of the relevant page.
2. This is my first witness statement for the Inquiry. I shall endeavour to provide some commentary on the documents that have been disclosed to me.
3. In 1997 I was Director of Policing and Security in the NIO and that was coupled with being Senior Director of Belfast. In other words I was the administrative peak of the Belfast operation for the NIO as well as being concerned with policing and security.
4. The big change in 1997 came with the new Secretary of State when Patrick Mayhew was replaced by Dr Marjorie Mowlam. They were quite different people with different styles. Patrick Mayhew was a barrister by training and he operated like a barrister. He read the papers, did the consultation and he did the business in a very able way. Mo Mowlam was a more an instinctive politician. She was impatient with papers and liked to do things orally. She had her own way of doing things and it varied from time to time. Of course the civil service was there to advise the Secretary of State. As part of Mo's instinctive personality she had immediate likes and dislikes. I was in the happy or unhappy position that she liked me and trusted me.

5. Patrick Mayhew had an instinctive sympathy with the army and the police and the legal profession generally including the judiciary. Mo had none of that. She would be much more inclined to talk to people directly. It was not that she didn't have sympathy with the police and the army but she was not keen to do visits to the police and army or to have them for dinner, which Patrick did supremely well and dutifully.
6. I was copied into a lot of correspondence in the NIO. The NIO was a copying organisation, indeed on the papers that there are quite long copy lists on everything. It is partly derived from the way the NIO worked. It was necessary to copy so that the more senior officers could intervene if they thought it was necessary or if the Assistant Secretary thought, "This is an important matter and I should put it through my head of division", i.e. me or someone like me. I had, of course, direct access to the Secretary of State and the Security Minister Adam Ingram and I worked closely with both of them.
7. I have been asked about the working relationship between the Chief Constable and the Secretary of State. It was quite a jovial relationship between the two of them, businesslike but friendly. I think that remained the case.
8. There was formal security meeting chaired by the Secretary of State, with a number of officials present including the Chief Constable, the GOC, the Permanent Undersecretary of the NIO, the Head of the Northern Ireland Civil Service, the Director and Co-ordinator of Intelligence and me. I think it was a monthly meeting. Mo would have seen the Chief Constable on other matters from time to time as specific issues came up. I do not think that there were private discussions between Mo and the Chief Constable or I was not aware of them because they were private. Mo was not a social creature where she would have dinner with the Chief Constable or anything like that. It was a formal relationship.
9. I cannot recall when I first became aware of the incident involving Robert Hamill. I suppose it was when it hit the news, which would have been the day of the incident. Of course, when Mr Hamill died 12 days after the event it was

known by everyone. I have been referred to document **40432** dated 13 May 1997 which records my visit to the Irish Secretariat. I frequently briefed them on matters of interest, sometimes warning them of things that were coming up and sometimes reacting to them when they got concerned about certain issues. This was done in quite a casual way just to keep them informed of where we were on things. I do not have an independent recollection of this occasion. I do not remember any briefing for it. I had no details from the ICPC in connection with this case.

10. I did not liaise with the ICPC. I would have chaired boards to identify members of the ICPC but it was an independent body and liaison was not really a normal thing with them. Liaising with the police certainly was and liaising with the Army was well in the job description. I also liaised with many community organisations the Garvaghy Road residents were an example, the Orange Order were another example, the Campaign for the Administration of Justice. I would try and keep in contact with them and if I wasn't in touch with them they would be in touch with me.
11. Document **39250 - 39253** is a memo dated 20 May 1997 from Simon Rogers. I had a good deal of contact with the Police Division, with Simon Rogers and [REDACTED] who was the Assistant Secretary as this was one of the two main areas that I dealt with personally. The memo is dated 20 May 1997 and is entitled "Visit to the Hamill Family". The Secretary of State had asked for a briefing for her visit to the Hamill family "*tomorrow*", so obviously on 21 May. I knew that she was going to visit the Hamill family. That is the way Mo would have done things. She would have gone to their home. The four girls were attractive, they were very sincere and they were obviously really upset at their brother's death and the manner of it. Mo, warm-hearted, would have embraced that.
12. I have been asked about the family's requests for a public inquiry, recorded at paragraph 5 of the memo, and what the official reaction was to that. I think the officials and the police, and indeed the ICPC, felt that there had been due process under the present system and jumping to a public inquiry would have

been silly. I may say at the same time we were working towards, in the security side of the office, the establishment of a police ombudsman so that the police would not be investigating themselves.

13. Document **39256** is dated 11 June 1997 and again records a visit to the Irish Secretariat. They would be getting feeds from other directions, from the Hamill family, for example, or people representing them would be getting the Irish to put pressure on. Clearly at some stage, then most probably the Hamill family, advised by various people, including [REDACTED], were conscious of the pressure through the media. Media pressure kept up quite a lot of pressure internally in terms of minutes and requests for updates. It meant we could not go slow, which sometimes could happen.
14. Document **39267** dated 6 November 1997 is another example of the Irish Secretariat asking for updates about the ongoing investigation. This document shows that the Chief Constable's operation is independent and it cannot be interfered with by government.
15. Diane Hamill wrote to the Secretary of State on 12 August 1997 and the Secretary of State responded by offering a meeting which is recorded in the briefing paper from Simon Rogers to the Personal Secretary [pages **39273-39277**]. I have been referred to the letter written by Diane Hamill to the Secretary of State dated 21 November 1997 at pages **60818 -60820** which raises the additional points that she wished to discuss at the meeting.
16. Again, I think the briefing paper from Simon Rogers brings out the fact that the Secretary of State's role in relation to this crime was very limited. It was for the independent police force and the independent prosecuting authorities to deal with. She had, effectively, no role but she wanted to be helpful. Paragraph 10 of document **39273** records that the Secretary of State wanted to be as sympathetic to the family as possible and to express understanding for their continuing heartache. But it also discusses the fact that she has no powers in relation to the investigations and it was not appropriate for her to become involved in the debate about the prosecution investigation.

17. I have been referred to paragraph 5 of the letter from Diane Hamill dated 21 November 1997 which records that one of the issues she wished to raise was press reports claiming that “*there are links between some of the officers and some of the defendants*”, she poses the question, “*Have these alleged links been investigated?*” At that stage I would not have been aware of the alleged links. I became aware that there were allegations at some point but I do not know when this was.
  
18. Pages **39281- 39283** is a memo from the PS/ Sec of State recording details of the meeting with the Hamill family on 24 November 1997, at which I was present. I do remember the Hamill family, the four girls, and they captured Mo’s heart. She was very sorry for them and she wanted to be as helpful as possible. She was perhaps a little frustrated that the system did not permit her to do more. She did not express to me after the meeting that that she wanted to do more. I did not need her to tell me that. I had to keep reminding her of the limitations in what she could do. They were doing their job, their investigation, their supervision and making their decisions, as far as the DPP is concerned.
  
19. Mo therefore could go through the motions of being as helpful as possible to the girls. The main thing she could do would be to ask those conducting investigations to speed up. But at the end the independent authorities could do things at their own pace. It was a little frustrating for her but she understood the position and, I think, the letter that she sent spelt out the limitations on her. She was sympathetic. But that was about all she could do.
  
20. Document **39285**, is a memo from Simon Rogers to me. He is writing to the Chief Constable and DPP asking them for details on the points made by the Hamill’s and then he has attached draft letters. He states:

I suggest that the Secretary of State should write to the Attorney General rather than the Director of Public Prosecutions who is responsible to the Attorney, because we know from past experience that this route is more likely to bear fruit.”

I have been asked what is meant by this remark. I think he might mean that the Director of Public Prosecutions would be very sensitive about political interference. The Attorney General, on the other hand, understands political interference because he's a politician and he, being in the same party as Mo would be more likely to try and be helpful to her.

21. At the final paragraph on page **39286**, Simon Rogers states that the draft letter seeking information from the Chief Constable asks for a report. He states that "this makes the request one under section 15(2) of the Police (Northern Ireland) Act 1970. This was, I think, rarely used. It says that he is asking for a report under the Act but it was not spelt out that it was under the Act. It was just asking for a report, and Mo could have done that at any time. I certainly do not think that Mo would have spoken to the Chief Constable subsequent to her meeting with the Hamill family. It would all be done through the proper channels and on paper.
  
22. At page **39324** which is a memo from Simon Rogers dated 22 December 1997 it points out that she, Mo Mowlam, recognised that the Chief Constable and Attorney would have reservations but that she wanted to provide an honest response on the points they had raised. It reveals that there was some delay with regards to the Chief Constable looking at the papers. A letter was received by the Chief Constable the following day on 23 December 1997 [**pages 15375-15377**] which provided the Secretary of State with responses to the questions posed. However at the penultimate paragraph he states;

As outlined above the investigations into the murder of Robert Hamill and the complaints against the police are ongoing. I am sure you will therefore understand, why it would not be appropriate to comment publicly on any of the information given.

23. The Chief Constable was entirely correct in being wary of political interference in the investigation process. Similarly, the Attorney General in his response dated 16 December 1997 pages **40361-40362** makes it absolutely clear that he does not want political interference in the process.

I can entirely understand and share your sympathy towards the family who have lost their relative in brutal and tragic circumstances. I have to say however, that I am concerned above the involvement of the Northern Ireland Office in matters which are still the subject of police investigation and consideration by the Director of Public Prosecutions for Northern Ireland. As you know responsibility for the prosecution of offences in Northern Ireland rests with the Director of Public Prosecutions and with me as Attorney General for Northern Ireland. The Director is subject to my direction and I superintend him in the performance of his functions.

He goes on to say in the final paragraph;

I should be concerned if the investigation and prosecution of offences became politicised. My concern is with the administration of justice.

24. At document **39329A** the memo from Simon Rogers dated 9 January 1998 states that unfortunately the Chief Constable has said that the information was for the Secretary of State and not for public use and therefore he has gone back to the office of the Chief Constable with a draft letter for the Secretary of State to send to Diane Hamill. Because of what the Chief Constable had said in his letter Simon Rogers knew to get police agreement. The draft of a letter dated January 1998 [at page **39345**] from Mo to Sir Ronnie explains that it is an unusual case and that is why she would like to produce a response to the Hamill family.
25. Page **15370** appears to be a draft letter going from the Police Division to the Command Secretariat. It is not entirely clear who had made these amendments. It could easily have been the Command Secretariat because they were trying to agree a letter that Mo could send.
26. I think that the final response from the Secretary of State to the Hamill Family [**Pages 16487 -16490**], relying on the information provided by the Chief Constable is actually quite helpful. I have been asked to consider point 5, which the family had raised in their letter of 21 November relating to the links between some officers and some of the defendants and the response of the Chief Constable, "*This allegation has been included in the criminal investigation and*

*will be considered by the Director of Public Prosecutions.*” In particular, I have been asked if I would have expected in the reply from the Chief Constable to the Secretary of State [pages 15375 -15376] to set out that there was only one alleged link so as not to misinform the family. I would not. He was responding to the point and he was saying if there’s that allegation, it’s included in the investigation and that is all there is to it.

27. It went as far as he could possibly go without infringing his independence. He wanted to provide the Secretary of State with whatever information he could factually. This would have been usual.
28. At that time there were lots of crimes and murders in the Northern Ireland that the Secretary of State did not get involved in but because this became a political hot potato she was involved. And the people that had made it exceptional, they had a following and publicity and dealings with the various others. They wanted to bring as much pressure to bear as possible and therefore this became a high profile case.
29. I have also been referred to document dated June 2000 at page 39675. I had, of course been retired for a number of years at this point. I have been asked to comment on the to the fourth line down;

“It is alleged that an officer phoned the individual and advised him how to go about destroying forensic evidence and thus avoid detection.”

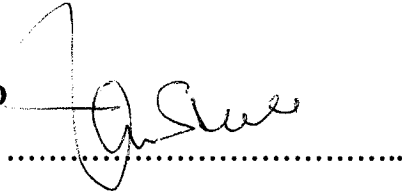
I have been informed that this was the link between the police officer and the defendant referred to at point 5 of Diane Hamill’s letter and I have been asked if I would have expected the Chief Constable to provide the Secretary of State with these details of the allegation either privately or in correspondence at the point when she was writing to the Hamill family

30. Again my response is when an arrest or an investigation is carried out, that is purely a police matter, perhaps with the ICPC involvement. Once the papers are submitted to the DPP, that is the police role completed unless the DPP put out a request for more information or better particulars. They’d have done the job and

then the DPP swings into action and takes his decision on whether the information that the police had provided them is likely to sustain a conviction.

31. If the Secretary of State had not got involved, the investigation would have still have taken its course and there would have been the same outcomes.

SIGNED



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DATED

16.09.09

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