

*Return to an Address of the Honourable the House of Commons  
dated 1<sup>st</sup> April 2004  
for the*

**Cory**  
**Collusion Inquiry**  
**Report**

**Billy Wright**

*Ordered by the House of Commons to be printed 1<sup>st</sup> April 2004*

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## **Foreword**

I was asked by the Government of the United Kingdom to investigate allegations of collusion by members of the security forces in the context of the deaths of Patrick Finucane, Robert Hamill, Rosemary Nelson and Billy Wright and to report with recommendations for any further action. These four reports are the product of my investigation.

It is important that I should make clear what I have taken my task to involve. My task was not to make final determinations of fact or attributions of responsibility. I had the preliminary role of assessing whether there is a case to be answered as to possible collusion, in a wide sense, by members of the security forces in these deaths such as to warrant further and more detailed inquiry. It necessarily follows from this role that my findings are provisional only, and cannot be taken to be final determinations of any matter. It is right that this point should be emphasised at the outset, in fairness to the individuals referred to in the reports.

The nature of the task which I undertook was reflected in the nature of my investigation in each case. My investigations took the straightforward form of scrutiny of the documentary evidence which exists in relation to each of these cases. Given the preliminary and provisional nature of the task assigned to me, and the desirability of arriving at recommendations expeditiously, it was not necessary or appropriate for me to hear any oral evidence from the individuals referred to in my reports. Obviously, before any final findings of fact or determinations of responsibility could be made, it would be necessary for individuals to have an opportunity of answering any potential criticisms which might be made of them.

For the reasons which I have given in my reports, I have found that in each of the four cases the documentary evidence indicates that there are matters of concern which would warrant further and more detailed inquiry.



# Billy Wright

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## Introduction

- 3.1 The terms of reference pertaining to this inquiry are precise and clear. I have no power to subpoena witnesses or compel the production of documents. It follows that I cannot make findings of fact based on the examination and cross examination of witnesses.
- 3.2 My task is to review all the relevant papers pertaining to each case including the records of earlier investigations. In addition I may interview anyone I think can assist in the examination of the relevant documents. The aim of the process is to determine whether there is sufficient evidence of collusion between state security forces and those responsible for the murder of Billy Wright to warrant a public inquiry
- 3.3 At the outset I would like to express my gratitude for the support of those who helped me in the preparation of this report.
- 3.4 First, to my counsel, Renee Pomerance, who has worked so arduously, selflessly and conscientiously in the painstaking work that had to be done. She was always cheerful and always ready to go the extra mile.
- 3.5 Secondly to the police team; Detective Inspector [name redacted], Detective Sergeant [name redacted], Detective Sergeant [name redacted] and Detective Constables [name redacted], [name redacted], [name redacted] and [name redacted]. They have worked long hours in surroundings that were often difficult to say the least. Yet throughout they have displayed great skill, conscientious dedication and cheerfulness that have been exemplary. They have my gratitude and admiration.
- 3.6 Thirdly my secretary on this report has overcome so many problems. Somehow she learned to decipher my indecipherable handwriting and to transcribe what at times must have been unintelligible dictation. She managed to do all this in an exemplary manner while always displaying endless patience and cheerfulness. She too has my admiration and gratitude.

3.7 Finally, I would like to thank all those who submitted documents and material for my consideration in this case.

## **Billy Wright**

- 3.8 Billy Wright was born in July 1960 in Wolverhampton, England. He was the only son in a family of five children. While he was still a youngster he returned to Northern Ireland with his family. In 1975, when he was just 15, he was arrested by the Royal Ulster Constabulary (RUC). Some time later, he was sentenced to six and a half years to be served in the Young Persons Wing of the Maze Prison. In October 1982, after serving three and a half years, he was released.
- 3.9 In the Spring of 1997 Billy Wright was convicted of two offences. First that, with intent to pervert the course of justice, he impliedly threatened the safety of [name redacted], the son of a prosecution witness. Second, that he threatened to kill [name redacted] intending that she would fear that the threat would be carried out. He was sentenced to eight years concurrent on each count. It would be unfair to consider his arrests for other offences. His convictions attest to his criminal activities.
- 3.10 While he was still a relatively young man, Billy Wright became a well known and controversial political figure in Northern Ireland. His paramilitary activities earned him the nickname “King-Rat”. He was initially recruited into the Ulster Volunteer Force (UVF). However, over time he became increasingly disillusioned with UVF policies. This culminated in a dispute over the Drumcree Orange Parade in July 1996. At that time, Billy Wright openly opposed the UVF leadership and acted in defiance of their orders. The mid-Ulster UVF was disbanded because it was deemed that Billy Wright and his followers had acted in breach of the Loyalist cease-fire then in effect. Billy Wright was perceived by many Loyalists to be an obstacle to the peace process.
- 3.11 Following the Drumcree incident, Billy Wright was issued an ultimatum: he was told that he had 72 hours to leave Northern Ireland or that he would face death. He defied the threat and remained in Portadown, leading his own paramilitary group – the Loyalist Volunteer Force (LVF). This group attracted a number of supporters and the UVF death threat was eventually lifted. However, the perception of Billy Wright as a militant renegade persisted. The LVF had many enemies. The most virulent and

violent of those was the dissident Republican group, the Irish National Liberation Army (INLA).

- 3.12 Documents from the Maze indicate that on the 25 August 1995, Billy Wright was granted bail on the two charges of threatening. However a monthly intelligence assessment<sup>1</sup> dated January 1997 reported the following:

“Billy Wright (UVF) also known as King Rat, having asked for his bail to be revoked, was committed to prison on the 15th of January charged with threatening to kill. He is housed in the PSU on rule 32 owing to the death threat against him by the CLMC. Staff report that he is well behaved and very pleasant. It may be that for whatever reason he considers prison as something of a safe haven at this time.”

- 3.13 Yet, prison was anything but a safe haven for Billy Wright. While initially housed at Maghaberry prison, Billy Wright was transferred to HMP Maze on 26 April 1997. Two INLA members, Christopher McWilliams and John Kennaway were also transferred to the Maze just a few days later on 2 May 1997. Significantly, just prior to their transfer, McWilliams and Kennaway had orchestrated a hostage taking incident at Maghaberry which was designed to culminate in the murder of Billy Wright<sup>2</sup>. Their plan was frustrated by Wright’s recent transfer to HMP Maze.

- 3.14 At the time of the transfer, prison officials had planned and arranged for Wright and the other UVF members to be placed in C & D wings of H Block 6. It was also known that McWilliams and Kennaway would be housed with the other INLA prisoners in A & B wings of the same H Block 6. The scene was now set for the murder of Billy Wright by McWilliams and Kennaway and a third INLA member, John Glennon. For some reason, two dangerous and hostile warring factions had been billeted in the same H Block. The victim and murderers were but a stone’s throw apart in a prison where the prisoners exercised a great deal of control; security was unsatisfactory; where

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<sup>1</sup> Each month, prison authorities would prepare a summary of intelligence information that had been received from staff and prisoners during the period in question. These documents were entitled “monthly intelligence assessments”.

<sup>2</sup> This incident is described in some detail in paragraphs 3.60-3.67 which follow

there were but superficial searches of cells and exercise areas; and the searches of prisoners were sporadic and sparse.

- 3.15 Truly, the gunpowder was in place, the fuse was laid in confines that were explosive. On the morning of 27 December 1997, Billy Wright was murdered by McWilliams, Kennaway and Glennon. Some may have thought of the killing as a controlled explosion. In any event the circumstances demand careful consideration.

## **The murder of Billy Wright**

- 3.16 Like many murders the killing of Billy Wright was both brutal and cowardly. Billy Wright was shot while he was in a van waiting to be taken to the LVF visiting area on a Saturday morning just after Christmas. The three murderers, two of them armed, would have known that neither the prison guard driving the van nor the officer on duty inside the van would be armed. They knew as well that neither Billy Wright nor the other prisoner going to see his visitors would be armed.
- 3.17 Whatever criticism might properly be made regarding the reprehensible life and crimes of Billy Wright, it is apparent that he met his death bravely. Although he was unarmed he faced his killers and moved forward in an attempt to attack them. Even though he was shot at least six times he continued to lash out at his killers until he was struck by the fatal bullet.

## **Why be concerned about the murder of Billy Wright?**

3.18 There will be some who will wonder why there should be any concern with the death of Billy Wright. He was known to be a violent criminal who was suspected of committing murders and of complicity in murders. He was opposed to the ceasefire and the peace process. There are undoubtedly some who would go so far as to say that his death could come within the concept of a local improvement; something that could be recognised as a means of furthering a peaceful solution to the troubles in Northern Ireland. Yet there are many reasons why that view cannot be accepted and must be quickly and emphatically discarded. Some of them are set out below:

1. Northern Ireland is a democratic community. Every democracy is founded on the principle of the importance of the individual. In a democracy, the innate dignity of the individual must be recognised and every person must be accorded the respect that flows from that recognition. To countenance or to turn a blind eye to the murder of any individual no matter how reprehensible their conduct may have been, is to deny an essential element of democracy.
2. The act of murder, since Cain slew Abel, has always been recognised as the gravest crime against humanity. It is the ultimate offence for one individual to take the life of another.
3. It is a fundamental duty of the State to provide protection for its citizens. That protection extends to taking reasonable steps to prevent murder or, if murder is committed, to investigate and prosecute those responsible.
4. Billy Wright was a prisoner of the State. As a prisoner he was no longer able to take effective steps to protect himself. He was vulnerable and had to look to the State to protect him. While Billy Wright was in prison the State assumed the responsibility for the protection of his life and to do its best to ensure that he was free from serious bodily harm. There was a positive obligation on public authorities to take adequate and appropriate steps to safeguard life. I assume that this duty is not absolute yet it does require state authorities to take reasonable steps to avoid placing prisoners in real or imminent life-threatening danger of which they are aware, or ought to be aware.

3.19 Thus it is important for both the State authorities and the citizens of Northern Ireland to ascertain the circumstances surrounding the death of Billy Wright and the events that gave rise to, and facilitated, his murder. The murder of Billy Wright has already generated various inquiries and proceedings, though, to date, none have directly addressed the question of whether state collusion contributed to his death. For example, the criminal investigation conducted by the RUC following the killing focused, quite properly, on the potential culpability of the three INLA members charged with the murder: Christopher McWilliams, John Kennaway and John Glennon. This was not a complex case. The accused took no steps to conceal their identity at the time of the offence, they readily admitted to the murder at the scene, and their role in the killing was confirmed by several witnesses. The criminal proceedings were brief and straightforward. All three were convicted,<sup>3</sup> yet pursuant to the early release policy under the Good Friday Agreement 1998, they gained their freedom relatively quickly. The police were unable to establish the involvement of other individuals in the murder and no other persons have been charged.

3.20 A Coroner's Inquest was held into the killing of Billy Wright, commencing on 22 February 1999. As one would expect, this proceeding similarly focused on events immediately surrounding the shooting.<sup>4</sup> The Coroner's jury reached the following verdict after hearing from various witnesses:

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<sup>3</sup> The transcript of the criminal proceedings was not available to me, as due to illness, the Court Reporter was unable to transcribe the shorthand notes of the one day trial.

<sup>4</sup> It is apparent that there are lengthy gaps in the transcript of the testimony of witnesses whose evidence was significant and important. Some might think that the gaps were the result of a conspiracy to suppress this evidence. I had the original tapes reviewed by experts frequently employed by police forces in England. The forensic report is attached to this report as Appendix C It is sufficient for my purpose to set out the last three paragraphs of the forensic report.

"Tape Coroners 5/99 has recorded time information only between 14:31:40 to 16:21:00 on the 24/02/99 to the right channel. This tape also has the recorded tone on the left channel at the start of the recording but no other recorded information.

Tape Coroners 6/99; machine generated again the left channel of this tape is recorded with the tone at the start of the tape only. The right channel indicates that the recorder was switched into record on the 26/02/99 at 11:39:00, it was then switched off at 14:02:40. At 16:15:30 the machine was switched back into record and then finally switched off at 16:26:50.

As can be seen from above the tapes 4/99, 5/99 and 6/99 have no speech information recorded to them. The fact that the right channel has recorded machine generated time and date information, and the initial tone recorded to the left channel at the start of the tapes indicates that the recording machine was switched into record. On the assumption that these tapes are original recordings, not copies, it would seem that either the microphones inputting to the right channel were defective or disconnected or that there was a fault with the recording machine.

It would seem that the omissions do not result from erasures. Rather they arise from microphones that were defective, or they were disconnected or there was a fault within the recording machine."

“We find Mr William Stephen Wright died on 27th December 1997 as the result of a gunshot wound to the chest sustained whilst in the process of visitor transfer by van from H block H6 Maze prison which at the time was inhabited by both LVF and INLA prisoners.

His murder was carried out by three INLA inmates in an elaborate, pre-meditated and pre-planned act.

Access to the murder scene, namely the forecourt of H Block H6, was gained by the cutting of a hole, by person or persons unknown, in an undetected and unobserved section of security fencing.”

3.21 Finally, an inquiry into the murder of Billy Wright was also carried out by Mr Martin Narey, who conducted a review of various matters and released a report in February 1998.<sup>5</sup> While Mr Narey’s report did speak of “the shooting of a prisoner on 27 December 1997”, it is apparent that the murder of Billy Wright was not the focal point of this Inquiry. Indeed, it had commenced some weeks before the murder. Mr Narey had initially been asked by the Secretary of State for Northern Ireland to conduct an inquiry into the escape of a prisoner from HMP Maze during a children’s Christmas party on 10 December 1997. When Billy Wright was killed, Mr Narey’s terms of reference were extended to include a review of the shooting. Nonetheless, this subject was not extensively canvassed in the Report,<sup>6</sup> largely because it was still the subject of an active police investigation. In his Report, Mr Narey explicitly acknowledged that his treatment of the murder was deliberately limited in scope. As he put it:

“We are conscious that the incident (the murder of Wright) is the subject of an ongoing police investigation and it would be inappropriate for us to comment in detail on the precise circumstances or persons involved. We have therefore confined our inquiry to the background to the shooting and the general issues it raises, particularly to the scope for illicit items to be smuggled into the prison ...”

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<sup>5</sup> This document was entitled “Report of an Inquiry into the Escape of a Prisoner from HMP Maze on 10 December 1997 and the Shooting of a Prisoner on 27 December 1997”

<sup>6</sup> Only 6 pages of the 47 page report are directly concerned with the shooting of Billy Wright.

3.22 This passage is consistent with correspondence sent by Mr Narey to the RUC on 24 March 1998, in which he stated that he did not believe that his working papers would assist the police. He explained that:

“Shortly after the shooting of William Wright, [name redacted]– one of my inquiry team – met senior RUC officers and confirmed that the team would be very careful not to encroach on areas which might be covered by the police investigation of the shooting.

As a result of [name redacted]’s conversation with the RUC officers, the inquiry team did not specifically interview members of staff on their observations on the shooting. Nor did the team interview those members of staff who had been most closely involved in the circumstances surrounding the shooting. Some of these potential witnesses were off sick at the time when we conducted interviews in the Maze. We turned down an invitation from the POA to arrange interviews with the staff concerned.

To meet our terms of reference and avoid any possible conflict with the police inquiry, the inquiry team concentrated on an examination of incident logs and security reports. We also discussed general security issues with staff and observed procedures in various parts of the prison in order to make recommendations for future practice.”

3.23 In light of these comments, I have not placed any significant reliance upon the Narey Report, but rather have conducted an independent review of all available documents that bear on the murder of Billy Wright and the question of whether State collusion contributed to his murder.

## **The context**

3.24 The murder of Billy Wright must be considered in the context of the times, which encompasses both the problems that existed in Northern Ireland in 1997 and the situation that existed within the Maze Prison at that time.

### **A. Northern Ireland in 1997**

3.25 For the purposes of my inquiry, a very brief summary of the situation in Northern Ireland in 1997 will suffice. At this time, a number of the Catholic nationalist groups as well as the Loyalist Protestant groups had agreed to a ceasefire. However two groups remained adamantly opposed to it: on the nationalist side the INLA (Irish National Liberation Army); and on the loyalist side the LVF (Loyalist Volunteer Force). Although these two organisations were bitter enemies they were united in their fierce antagonism to the ceasefire. Billy Wright, as a leader of the LVF was particularly vilified as he was thought, by the INLA, to be a killer of Catholics. He was the focal point for the enmity of INLA and was targeted for murder by INLA members before he was transferred to the Maze.

### **B. The Maze Prison in 1997**

#### **i. Introduction**

3.26 Following the murder of Billy Wright, the Minister of State, Mr Adam Ingram, was challenged in the House of Commons as to the ability of the Northern Ireland Prison Service to protect the safety of those in its custody.

3.27 On 21 January 1998, Mr Ingram responded to this challenge by commenting upon the unique nature of the Maze Prison and the difficulties faced by its staff. He said in part:

“...I have said this before, both in the House and elsewhere, but it is worth repeating: The Maze is unique. There is no other prison anywhere in the

democratic world that has such a concentration of terrorist murderers or those convicted of terrorist related crimes – more than 500 dedicated terrorists who consider themselves to be not criminals but prisoners of war. It should also be remembered that 29 prison officials have been killed and innumerable numbers threatened along with their families, over the past 25 years or so.”

3.28 He went on to say:

“...that creates unique and difficult conditions which runs throughout the management of the prison from bottom to top and from top to bottom. That reality should never be ignored by those who comment on events and the regime at the Maze.”

“Given those conditions, the attendant security and control problems are understandably and uniquely complex and difficult when balanced against the need to maintain a humanitarian regime. Those who are charged with the management responsibility of undertaking such a challenging role are regularly faced with the need to make difficult and sensitive decisions about security at the prison. That is an unenviable task which they have to perform on our behalf.”

3.29 The Maze was indeed a unique prison. The prisoners believed that they came within a special category. In their eyes, they were prisoners of war and conducted themselves accordingly. They dealt with the prison officials through their “Commanding Officers” (COs) and did their utmost to intimidate, manipulate and condition the prison staff. The prison staff treated the prisoners as though they were, in fact, prisoners of war. This perhaps resulted in part from the passage some years earlier of legislation which, among other things, permitted internment without trial in the case of various terrorist related charges. However with the passage of time, it was more likely to have been the product of the sustained campaign of prisoner threats and harassment that was designed to “condition” the prison guards.

3.30 It will later become apparent that control of prisoners at the Maze which was always marginal, had significantly deteriorated over the years. By the time Billy Wright was killed, it had diminished almost to the vanishing point.

**ii. Prisoner accommodation at the Maze**

3.31 The prisoner population at the Maze seemed to run at about 500. Their cells were contained in low one storey buildings referred to as H Blocks. The term aptly described the buildings. The two long arms contained the cells, canteen and general living areas for the prisoners. The shorter connecting arm of the H was referred to as the circle. It was occupied by prison guards. Prison guards controlled prisoners' access to the exercise yard. The guards in the circle also controlled the movement of prisoners leaving the H Block to see a doctor at the hospital or to meet their visitors. There were vans designated for moving the prisoners which would be driven into the forecourt to pick them up.

3.32 Special procedures governed prisoners' visits at the Maze. According to one of the Prison Officers,<sup>7</sup> a prisoner expecting a visit was required to fill out a pass identifying the visitor and the date of their attendance in advance. The pass would be forwarded to the prison authorities and recorded in a log. The information would then be collated in a document entitled a "Visitors Sheet" that was prepared by staff in the Reception Area. A separate sheet would be prepared for each wing or faction within the respective H Blocks. Once they were completed, the sheets would be delivered to the prisoners to whom they pertained, often the night before the visits were to take place.<sup>8</sup> The sheets named each of the prisoners that were expecting visits, but did not specify the time of day that the visit was to occur. When a visitor arrived at the institution, he or she would undergo various procedures and then be transported to the visiting area. Meanwhile, within the wings, a prison officer designated as a "runner" would shout the name of the prisoner who had a visitor waiting and escort him to a transport van parked in the forecourt of the H Block. For a time, prisoners receiving visits in H Block 6 would simply walk through the forecourt to an airlock gate where the van would be waiting. However, following a threat made by INLA against the LVF, a

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<sup>7</sup> Statement of Prison Officer P

<sup>8</sup> Statement of Prison Officer V, dated 20 January 1998

new procedure required the vans to drive directly to the entrance of the block, parking next to the wing where the prisoner was housed.

- 3.33 Each side of the block had an exercise yard, that ran along the outer perimeter of the building. For example, in H Block 6, a yard outside the A & B wings was used by INLA prisoners, while the LVF had access to the yard outside C & D wings. A small fenced in area in the exercise yard had, for a time, been occupied by a prison guard. However it was found that this officer was in a dangerous position, subject to constant abuse, and unable to control prisoners in the exercise yard. It was perhaps symbolic of the diminishing authority of the Prison Service that the guard was removed. Further, the question of whether it was necessary or desirable to maintain the presence of guards in the circle area was, over the years, a source of constant discussion and debate at meetings of prison officers and staff.
- 3.34 A system had developed at the Maze of housing members of particular organisations in the same H Block. For example members of PIRA and INLA would be placed together in their own H Block. Similarly, loyalist factions such as UVF and UDA would be placed in separate wings of the same H Block. In this way the various organisations could operate as units and put forward their petitions and complaints to prison authorities. Because of the compact nature of the H Blocks it was quite simple for prisoners housed in one side of the H in wings called A & B to look across and observe the prisoners on the other side of the H in wings C & D.
- 3.35 A diagram of HMP Maze and the layout of the H Blocks is attached as Appendix B.
- 3.36 All the H Blocks, hospital facilities and exercise yards were contained within a perimeter wall. At or near the wall were two sets of observation towers. The outer series of towers were manned by army personnel and were primarily designed to intercept attempts to liberate prisoners by their friends or allies from outside the institution. The interior observation towers were manned by prison officers. These towers were approximately 30 feet in height and had dark circular glass which prevented prisoners from seeing the guard yet provided the guard with a clear view of the prisoners. The glass panel could be opened so that the prison officer could observe with still greater clarity the movements of prisoners. It was these towers

which enabled prison officers to observe prisoners in the exercise yards and to see if there was any movement on the roof of the H Block itself. The observation post was equipped with an alarm which, when triggered, would automatically signal both the Control Room within the Block and the central Emergency Control Room (ECR).

3.37 There were, as well, surveillance cameras which could monitor the position of prisoners. These were known as Pan, Tilt, Zoom (PTZ) cameras. The pictures from these cameras were fed into a monitor system which was located in each individual H Block control room. The same picture was also fed into monitors located in the central Emergency Control Room. The purpose of the cameras was to provide guards with a view of the prisoners in the exercise yards and also to enable guards to check the H Block rooftops. An additional 8 cameras were mounted outside of the prison walls. While they were designed to look outwards they could be swung around to provide a limited view of what was happening on prison property.

3.38 At meetings of prison officers and prison staff the importance of observation cameras was often discussed. In fact the administration sometimes expressed the view that the cameras would be more useful than the guards in the observation towers because they would provide better observation of prisoners than the guards in the observation towers with the result that these guards would no longer be needed. While there was much discussion about the importance of cameras as a security tool, it will be seen that little was done to actually implement or improve these security measures. Cameras and observation towers were particularly important when it came to protecting the most vulnerable feature of the H Block design – low rooftops that could be easily reached by prisoners.

### **iii. Security problems at the Maze**

#### **(a) The general erosion of control**

3.39 A series of documents dating from 1988 to 1997 illustrate the serious and continuous erosion of security and control within HMP Maze. Over time, prison guards were effectively stripped of their ability to monitor and control the activities of prisoners housed in the institution. This was the result of several administrative decisions including the removal of prison officers from the wings; removal of staff from the

exercise yards; suspension of cell and prisoner searches; and failure to adequately protect and secure the rooftop areas. The lack of security was a persistent source of concern for the Prison Officers' Association. They feared for their safety and repeatedly advised the prison authorities of their concerns. Yet, little was done to rectify the situation. The inmates effectively controlled their living quarters and much of what took place in the wings of the prison.

3.40 One of the key problems concerned the ability of prisoners to intimidate and, in some cases, harm the very persons who were expected to exercise authority over them. This was one of the factors that led to the removal of guards from certain key posts within the prison.

3.41 According to a 1988 document, this was the reason for the removal of prison officers from the exercise yard. It stated:

“In August 1988 it was determined that the prison officer who usually occupied a post in the grille within the exercise yard could be better utilised in a post in an overhead watchtower. It was as a result of this report that the watchtowers were constructed and the officer who had formerly been on duty in the exercise area was moved to the towers. It was pointed out that the officer in the tower would be out of sight of prisoners and not vulnerable to intimidation. Further the use of the tower meant that the officer was no longer required to stand outside in inclement weather.

It was observed that the end wing grille was an important area of the block which unfortunately does not have camera coverage. Bearing in mind the difficulties experienced by staff due to intimidation in carrying out their duties the erection of a tower for each exercise yard and the removal of the officer from the reach of the prisoners is the only method of ensuring proper control.”

3.42 In February 1990 a report from NIPS HQ (Northern Ireland Prison Service Headquarters) Staff G, Director of Prison Operations, suggested that the Maze had begun to calm down. It was noted with pride that there had been no incidents for 12 months.

3.43 However in November 1992 the existing situation gave rise to serious concern. A document dated the 17 November 1992, from Governor H, Governor No.1, to NIPS HQ Staff I, Controller of Prisons, recognised a number of security problems in the Maze. Among other things the document provided as follows:

“5. “The review of the security of the Maze earlier this year recognized that staff have continued to bend to the will of the prisoners...”

6. Since the '92 security review the situation had deteriorated, staff now allow prisoners to move freely between adjacent wings at times when it is not allowed and they allow prisoners from one Wing to congregate in the dining hall in the adjacent wing during the day time lockup periods.

6.1 ...it is my view, and that of the senior staff of the Prison that Wing staff give way to the demands of prisoners because they have been intimidated or terrorized into doing so. Staff believe that if they resist physical action will be taken against them and there is sufficient number of examples of this to persuade staff that prisoners are not bluffing. It is not therefore a question of conditioning but fear.

7.1. If the required level of block security is to be restored then there is an urgent need to return to the 3 barrier level of security and to remove the control of those barriers from wing staff ...

8. I am extremely concerned that our present arrangements leave the security of the prison in a weakened state and place staff in an intolerable position ...”

3.44 A document dated 11 January 1993 addressed to NIPS HQ Staff I, Controller of the Prisons, from Governor H, Governor of the Maze, included the following comments:

- “1. In recent months we have observed a change in the pattern of prison behaviour in the Maze in that loyalist Prisoners who for some years have been cooperative are increasingly refusing to accept the rules and systems that underpin the good order of the security of the Prison...

On occasions republican prisoners have followed the example set by loyalists...

2. Throughout my period as Governor of the Maze I have repeatedly identified the main threat to our ability to control the Prison as being the willingness of wing staff to give way to the demands of the prisoners.
3. ... paramilitary prisoners have always acted in this way. The Gardiner Commission in 1978 ... said that those prisoners have tended to continually challenge the authority of their confiners and have endeavoured to usurp that authority and question the legitimacy of their confinement as well as the regimes constructed to both control and criminalise them.
- 3.1 Prisoners have continued to challenge the authority of their confiners and who extended their physical boundaries and their control of the regime in the Wings. Many of the features of the current regime result from pressure exerted by prisoners.
4. It is generally recognised that maintenance of good order in a prison can only come about through the cooperation of staff and prisoners; staff exercise control and prisoners consent to be controlled.
- 4.3 Prisoners in the Maze have a common denominator other than their imprisonment and it is that they all give tacit or whole hearted support to the paramilitary organisation that represents their interests. That support overrides their personal needs and aspirations.”

3.45 That same document issued the following caution:

“The Maze today is very much a product of its past and that past has resulted in it being a prison that is not wholly in the control of its management.

The purpose of this paper is to make everyone aware that we *have reached the point at which prisoners have a level of control that seriously compromises the security and integrity of the prison.*” (emphasis added)

**(b) The suspension of searches**

3.46 An undated, unsigned document, that appeared to be written in 1993<sup>9</sup> discussed the proposal to remove staff from the wings. It was thought that the prison officers working in the segregated blocks were subject to intense intimidation and were a source of intelligence and information for the paramilitary groups of prisoners. The paper supported the withdrawal of the staff from the wing environment.

3.47 On 29 June 1995, Governor I forwarded a document to NIPS HQ Staff I that read:

“Block searching is a challenging and unpopular activity and one is bound to question the will of management to force the issues and have these carried out.”

3.48 In another document dated 21 June 1995, to NIPS HQ Staff I from Governor A, Governor of The Maze, it was said that:

“Routine accommodation searching (with the exception of the short term unit in hospital) has not taken place in this establishment since the mass act of indiscipline perpetrated by UVF prisoners on the 14th March 1995. The records indicate that the frequency of searches just diminished considerably.”

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<sup>9</sup> This date has been gleaned from the context of the document, as well as its placement in an apparently chronological file.

3.49 In 1996, Prison Officer F and other members of the Prison Officers' Association wrote to [name redacted], MP, about the serious concerns held by the POA regarding the Maze. The letter pointed out that prisoners in the Maze were allowed out of their cells for 24 hours a day and that they had access to block yards where there was no supervision. The letter added that the prisoners controlled all blocks by means of intimidation of prison staff. It expressed the POA's belief that the ongoing situation would ultimately put the lives of prison staff, prisoners and members of the public at risk.

3.50 A document dated the 9 February 1997 from Governor C, Security Information Centre, Maze, directed to Governor A, the Governor, also dealt with security and control at the Maze. The Report stated:

“Overview

In July 1992 NIPS HQ Staff G wrote: For sometime now staff have not had complete control of the wings because of an intense campaign”.

This situation could now be said to apply to the Blocks. In evidence I cite the fridge, the microwave, the potting tables and unauthorized prisoner movement. *We have nurtured a monster which is now beyond our control in any meaningful sense. ...We have moved from a position where the boundaries that were in contention were drawn at the cell door to a situation where we cannot control what wing or block or phase a prisoner is in with any degree of certainty. We have moved from lockups, factions located opposite each other in wings to 24 hour unlock, segregated blocks and phases.” (Emphasis added)*

3.51 An undated document from NIPS HQ Staff E, Operational Management Division, to NIO Official C, Massey House, reported:

“A list of searches at Her Majesty's Prison Maze from 1995 as arranged with NIPS HQ Staff H

14<sup>th</sup> March 1995 H1

17<sup>th</sup> December 1995 All Blocks

29<sup>th</sup> April 1996 All Blocks

28<sup>th</sup> January 1997 H7 & H1

10<sup>th</sup> March 1997 H3 & H5

3.52 Assuming this list is complete it demonstrates that no searches of H6 took place between 29 April 1996 when all blocks were searched and 10 March, 1997.

3.53 In March 1997, approximately a month before Billy Wright was transferred to the Maze, a tunnel was found in the PIRA section running from their H block to the perimeter fence. It is perhaps not surprising that the tunnel project was undertaken. It would seem to be a common occurrence in those prisons where tunnelling is possible. What is surprising in this case is that a great deal of soil removed from the tunnel had been safely stored in two vacant cells in the PIRA block. This demonstrates with startling clarity the inability of prison staff to control the prison and the ease with which material was concealed in circumstances where even the most cursory search would have revealed it. If a significant quantity of soil could be openly yet safely stored in the cells, then how much easier it would be to store items as small and inconspicuous as firearms.

3.54 We know as well that by Spring 1997, 29 Prison Officers who had been working at the Maze had been murdered. It is apparent that there were many more threats to prison officers and to their families. Those threats would include fire bombings of their houses.

3.55 The Prison Officers cannot be expected to shoulder the blame for the lack of security at the Maze in 1997. They had not created what the prison authorities referred to as “the monster”. The paramilitary units controlled their specific wings. They were segregated in those wings and, through concessions made by senior management, they were allowed to rule and control them.

**(c) Lack of security on the roofs of the H Blocks**

3.56 For a number of years prior to the murder it had been recognised by the Prison Officers’ Association and the prison staff that the ease of access to the roofs and their

general lack of security presented a very significant danger for both prison officers and prisoners. Nothing seemed to come of these discussions and recommendations. This problem came up frequently. It was repeatedly recognised as a serious danger and proposals were put forward. Despite this, nothing was ever done to provide the requisite security.

3.57 Concerns about rooftop security were raised as early as 1995. The following sets out a summary of some of the documents reflecting these discussions.

1. On 4 January 1995, Governor L, who was then Governor of Security at the Maze, wrote to Governor No. 1 to report on the progress of a small working group that had been set up to consider “how best to protect the H Block roofs to stop prisoners having access to them”. Governor L was also “tasked to consider how we could better protect the exercise yard cameras, lights and observation towers. The working group made several recommendations including the erection of a fence to protect the ablution roofs and the use of diamond weld mesh to protect the glass in the observation towers. The group also made specific recommendations regarding the use of exercise yard cameras, noting that:

“At present there is one camera in each exercise yard and one at the end of each wing. On the 15 December, the prisoners in H Block 3 were able to put the yard cameras out of action. We would recommend that the yard cameras be located on top of the yard towers inside a protected cage....”

2. On 20 June 1995, the Health and Safety Inspector, [name redacted], wrote a report regarding the Maze, highlighting his concerns over the ease with which prisoners could access the roof and thereby reach sterile areas. This was one of many issues on which he cautioned that “cognizance must be taken of the material events which gave rise to the officers being subject to risks to their safety”.

3. In a responding letter, dated 16 August 1995, Governor I, then Director of Operational Management, stated, with respect to H Block 5, that: “the roof and observation towers have been protected with additional fencing and the introduction of sterile areas”. However, no mention was made of strengthening roof security in any other blocks.
4. A document dated 2 February 1995, to NIPS HQ Staff I, controller of prisons from Governor M, Deputy Governor Maze, set out, as part of its security recommendations, the following:

“Consider moving staff from the wing/corridor grille... Recently, a working party was set up to consider improving Block security as a result of the events of 15 December when prisoners in H3 climbed onto the Circle roof area. The working party recommended that the door into the block Control room from the hallway be upgraded with a grille or secure cell type door.”
5. On 31 October 1995, Governor of Security, Governor L, wrote to the Governor to express concerns about “the ease in which prisoners could gain access to the roof from the forecourt.” It was recommended at that time that Perspex be fitted to the Hennessy grille so that it could not be used as a ladder. It was also recommended that fences similar to those in the exercise yards be erected to run parallel with A wing and D wing to protect the roof. This document included “two diagrams showing measures that can be employed to protect the roof of an H-block.” These diagrams were also attached to several later documents, but nothing was done to implement any of the recommendations.
6. On 8 February 1996, various governors carried out a security review of H block exercise yards. The group had examined towers, lights and CCTV cameras. They recommended, among other things, that additional camera coverage be implemented to ensure that cameras covered all parts of the yard.

7. Minutes of an internal security meeting dated 14 April 1997, attended by various governors and prison officers, specifically addressed roof security and the possible use of cameras on top of the observation towers. It was reported that a communication sheet had been received from ECR stating that, if PTZ cameras with 360 degree capability were mounted on top of the exercise yard towers, it would give maximum coverage.
8. Minutes of a subsequent internal security meeting, held on 8 September 1997, raised the issue of “protection of roof blocks”. The diagram discussed above – setting out two options for achieving better rooftop security – was attached. However, there is nothing to indicate that either of these options was seriously pursued.
9. On 10 September 1997, Prison Officer F and Prison Officer A, executives of the POA, attended a meeting with the Maze staff working in H block 6. According to Prison Officer F, staff voiced their fears about a number of problems in the block, and specifically mentioned the potential for prisoners in A and B wings to gain access to the roof... This concern was expressed by every member at the meeting and all concerns were passed on to Governor E, Governor of Security and [name redacted], the Health and Safety Officer
10. On 6 November 1997, Governor E (then Governor of Security) wrote to NIPS HQ Staff F of Operational Management Division, Prison Service Headquarters, regarding “Provision of a Double-skin weld mesh fence in exercise yards of each H-block to protect the roof”. According to the document, different systems that could be used to prevent or, at least, slow down prisoner access to rooftops had been examined. It was determined that it took five times longer to breach a double skinned fence than the single skinned fence which was currently in place. Governor E concluded by stating that: “As a consequence of all the above information, it is essential that provision is made during the current Block Refurbishment to provide for double-skinned weld mesh fences on the Block sides of each exercise yard”.

11. At the end of April 1997, (29 April–1 May 1997) the Loyalists staged a rooftop protest – leading to a declaration of emergency and reinstatement of searches and headcounts for a period of time. What is again of interest is that the prisoners in question (not from H6) managed to gain access to the roof for purposes of their demonstration. A minute from Governor I to NIPS HQ Staff I, dated 11 June 1997 referred to a similar rooftop demonstration that took place in H Block 2 that month.
12. Minutes of a Board of Visitors Meeting held at the Maze on 12 November 1997 reported that:

“Three new high mast cameras have now been put in place and are operational. These give views across H1 and H2, H3, 4 and 5 and H6, 7, and 8. *This coverage linked to that from repositioning the exercise yard cameras means that yard towers are not longer necessary. They will in future only be manned in (sic) an occasional basis.* All these systems are designed to give the earliest warning of prisoners attempting to get onto roofs. Yard fences are also to be reinforced to prevent access to the roofs.” (emphasis added)

Perhaps not surprisingly, the murder of Billy Wright prompted further examination and discussion of the inadequacies of rooftop security at the Maze.

13. On 27 January 1998, Governor B, of the Security Information Centre wrote to Governor D about “Protection of H Block Roof” and set out various recommendations made by the Security Department.
14. The “Ramsbotham Report” (Report of a Full Announced Inspection of HM Prison the Maze, 23 March – 3 April 1998 by HM Chief Inspector of Prisons) specifically addressed the lack of rooftop security in H Block wings. Indeed, the report went so far as to observe that: “there had been many breaches of security where no action had been taken for years (e.g. access to the H Block roofs; a consequence was the murder of Billy Wright)”. Later in the Report,

the ease with which rooftops could be accessed by prisoners was described as follows:

“Low roofs were very easily accessible to prisoners: the killing of Billy Wright tragically demonstrated this. There was a security fence some few feet away from the buildings put there to defend the roofs from being scaled when prisoners were on the exercise yard. There was no similar defence system in the forecourt where prisoners alighted from the vehicles before entering the H Blocks. Prisoner access to the H Block roof always seems to have taken place from the fence on the block side of the exercise yard. Tests carried out on a single sheet of weld mesh material have shown that it can be breached in approximately 80 seconds under ideal conditions using tools and equipment with which prisoners could easily avail themselves. The governor in charge of security had recommended that double skinned weld mesh be used around the H Block; this should provide sufficient time for staff or prisoners to be safely evacuated from the block in case prisoners gained access to the roof....

The roofs of the H Blocks were only one storey high and very easily scaled. Numerous incidents proved that access was gained by prisoners easily and in so doing, they had complete control over the whole area. They were then in a position to stop staff leaving the H Block buildings by throwing missiles at them. This was frightening and life threatening.”

Recommendations included the following:

“As a matter of urgency, roofs should be properly defended to prevent prisoners from gaining access. It is acknowledged that this will be an expensive addition to the modifications to the buildings but it is essential to enable staff to retain control;

A possible way of improving CCTV coverage in the H Blocks would be to ensure that the CCTV cameras are sensitive to infrared lighting and provide black light from infrared light emitting diode luminaries at various points along the wing;

Close circuit television coverage of the exercise yards should replace manned towers to give full overview of the exercise yards: this should be coupled with an alarm system for the outer perimeter fence;

To improve the supervision of the yard areas, it would be useful to install PTZ cameras on or adjacent to the towers. These should be controlled from the block control room. To obviate the lighting problems, this opportunity could be used to incorporate covert infrared lighting. This form of lighting would prevent any complaints from the prisoners about being disturbed by bright lights at night.”

15. The Narey Report, printed 2 April 1998, contained, as recommendation 3(b), the admonition that “a review of the physical security of H blocks should be undertaken with particular reference to roof areas and with a view to deterring or delaying access, allowing more time for staff to respond to incidents, both in the interests of maintaining security and personal safety;”
16. A document dated 3 August 1998, from NIPS HQ Staff F of the Operational Division reported on the progress of the “Narey Working Group 1 – H Block Security”. This report indicated that the ultimate conclusion of the working group was that providing further roof security was not cost efficient. The following passages capture the conclusions reached:

“...Previous papers have outlined the thinking and approach of the group but for the purposes of these conclusions it is important to bear in mind that the H-Block roofs could be totally protected against attack but at an unrealistic cost and timescale...

...Having looked at the various options and attempts to breach them, we feel that investing further money to protect H Block roofs is an inefficient use of resources.”

17. On 27 April 1998, a meeting of various officials, including Governor E, was held at the Maze to discuss six potential options for protection of rooftop security. It was decided that options 3-6 should be tested in H Block 4, though the document ended with the comment that: “Overall it was noted at the meeting that although this was the recommendation of the Narey Report, this report had been overtaken by Political events in Northern Ireland and we would have to proceed with a degree of realism”.
  
- 3.58 Prisoners belonging to the various factions held rooftop demonstrations on various occasions. These served as vivid illustrations of the very serious and immediate dangers that existed as a result of the easy access to the roofs by the prisoners. The roofs were so low that I would think that any active 12 year old boy would have been able to clamber up with relative ease.
  
- 3.59 The particular H Block which housed Billy Wright was H Block 6. The roof of this Block was seen as posing a particularly serious risk. On 10 September 1997, Prison Officer B submitted a report to prison authorities outlining the dangers which flowed from the prisoners’ easy access to the roofs.
  
- 3.60 Her report reads as follows:

“Sir, I wish to put on record my fears concerning staff safety on night guard.

At the present time the only obstacle preventing prisoners gaining access to the roof of the block is a turnstile. I was under the impression that this was secure until the night of Friday the 11th when I was night guard in H6.

Due to continuous harassment and threats of violence to A wing prisoners from C & D wing prisoners – who had refused to come in from the yard at 10.00pm – A wing felt obliged to post a sentry in their yard for their own

protection. It took approximately 10 seconds to break the turnstile and place a man in the yard.

My fears are that if access is gained to the yard it can also be gained to the roof. The four staff on duty since they are locked in are completely at the mercy of prisoners having absolutely no means of escape or protection neither do they have any possibility of assistance from other staff due to the night guard compliment.”

3.61 In a staff communications sheet dated 29 May 1997, Prison Officer M made the following comments:

“On the 29 May I was on duty on C + D Tower observation post on H Block 6.

At approximately 9.15am I observed prisoners McWilliams and 6/11 INLA Prisoner A enter the yard.

Over a period of 10 minutes both prisoners paid particular attention to the height of the fence in the exercise yard. Additionally they appeared to be trying to work out their capabilities of getting to B wing.”

3.62 It may be that the officer was mistaken when he identified his observation post. Both McWilliams and INLA Prisoner A were members of INLA and therefore would have been housed in A & B wings rather than C & D wings. Nonetheless, this report confirmed that INLA prisoners revealed an apparent interest in facilitating their access to the roof. It was in the context of the acknowledged lack of control of the prisoners and the lack of security of the Maze, particularly the ease of access to the roofs of the H Blocks, that the Prison Authorities transferred Billy Wright and the LVF prisoners to wings in the same H Block 6 as his executioners McWilliams, Kennaway and Glennon and the other INLA prisoners.

## **The hostage taking at Maghaberry Prison**

3.63 In April 1997 an event took place at Maghaberry Prison that was significant in itself and foreshadowed the murder of Billy Wright.

3.64 At that time, Christopher McWilliams was in Maghaberry Prison serving a life sentence for the murder of [name redacted] at [Nightclub – name redacted] on 15 September 1991. His friend John Kennaway was also a prisoner in Maghaberry, serving a sentence of 25 years for conspiracy to murder, false imprisonment and possession of firearms.

3.65 On the 27 April 1997 McWilliams and Kennaway were being escorted to the prison hospital. They produced weapons and took their escort prison officer hostage. They forced him to take them to Foyle House where remanded prisoners were held. Once there, they asked for INLA Prisoner B who, like them, was a member of INLA. Fortunately the officers on duty had become suspicious and refused to have INLA Prisoner B meet them. There is no doubt that McWilliams attempted to shoot prison guards but his gun misfired. The pair then surrendered their weapons and were taken to the punishment unit in Maghaberry before they were transferred to the Maze.

3.66 A document produced at the inquest into the death of Billy Wright indicated that McWilliams and Kennaway had later claimed that their intended target at Maghaberry was Billy Wright. The document went on to say:

“...it is widely believed and accepted that the pair had sought the permission of INLA to be moved to the INLA wing in the Maze and that INLA granted that request on condition that they prove themselves. This they had hoped to achieve by murdering Billy Wright but when Billy was moved they opted for INLA Prisoner B.”

3.67 A report on this hostage taking incident was prepared by Governor G. The conclusion of that report stated: “It is not clear that this was a straightforward hostage taking

situation.” He went on to say that one of the possibilities was that: “this was an attempt to create a major protest in Foyle House over the situation regarding the Loyalist Volunteer Force in HMP Maze”. The report noted that a source had specifically stated that the firearms were brought in to HMP Maghaberry so that McWilliams could assassinate Billy Wright in the PSU (Prisoner Safety Unit). According to the source, once Wright was transferred to the Maze, McWilliams was told by his organisation to target INLA Prisoner B instead, in an effort to gain the acceptance of the INLA Prisoners at the Maze.

3.68 Each month, prison authorities would prepare summaries of intelligence reports in documents entitled Monthly Intelligence Assessments. According to Prison intelligence set out in the monthly assessment for January 1998, INLA Prisoner B was on remand charged with the killing of [name redacted], the former INLA Chief of Staff. The latter had been McWilliams’ co-accused in the murder of [name redacted] for which McWilliams had been sentenced to 14 years. -----  
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----- This observation is consistent with other intelligence material, which has been shown to the Secretary of State in a Secret Annex to this report.

3.69 Thus it would appear that the enmity existing between INLA and the LVF was so intense and visceral that INLA members were prepared to arrange to have guns smuggled in to Maghaberry in an attempt to kill Billy Wright. From the reports, it is apparent that prison officials were aware that the hostage taking incident was initially part of a plot aimed at killing Billy Wright. They were also aware of McWilliams’ ability and intention to acquire firearms while in prison. According to Governor G’s Report, after the hostage taking in Maghaberry, McWilliams made a number of statements to prison staff, including these:

“Having got two weapons into the prison he could get anything in, even an RPG7 or a “cam-corder”. He stated that he could get a camera on a number of occasions and claimed that he had both photographic and video evidence of him getting guns in...

*McWilliams made the claim both in Foyle House and later in the PSU that having got guns in the past he could do it again” (emphasis added)*

- 3.70 Christopher McWilliams, John Kennaway and a third inmate, John Glennon, who was serving a sentence of 25 years imposed on 8 October 1993 for conspiracy to murder, false imprisonment and possession of firearms, were INLA prisoners confined in H6. Together they murdered Billy Wright on 27 December 1997.

## **The transfer of Billy Wright to HMP Maze**

- 3.71 Following his convictions in 1996, resulting in a sentence of 8 years imprisonment, Billy Wright was initially housed in Maghaberry prison. However, because of the threats on his life, Billy Wright was subject to Rule 32 Terms of Imprisonment. According to a Prison Officer working at Maghaberry,<sup>10</sup> this Rule required that the prisoners in the segregation unit be locked down in individual cells 23 hours a day and that they be isolated from other inmates. One hour per day, the prisoner was allowed into the exercise yard for recreation but even then was not permitted to have any contact with other prisoners. These prisoners would be allotted 15 minutes per day for phone time. However only one prisoner would be allowed out of his cell at any given time to make a phone call.
- 3.72 Due to Billy Wright's disillusionment with the established Loyalist paramilitary organisations, he founded the LVF which, unlike many other paramilitary organisations, was vehemently opposed to the ceasefire.
- 3.73 A monthly intelligence assessment covering the month of March 1997 recorded Billy Wright's dissatisfaction with his isolation. It indicated that he was considering a hunger strike to draw attention to his situation. The same document discussed the possibility of a new LVF wing being set up at HMP Maze, although it also indicated that all alternatives and their possible repercussions were being considered.
- 3.74 It is evident that Billy Wright was striving to bring together, either in Maghaberry or the Maze, those prisoners sympathetic to the LVF and to him. It is also apparent that, as of March 1997, prison officials were considering a transfer of Billy Wright to the Maze.
- 3.75 A document from Governor I to PS/PUS Belfast was sent out in March 1997. It was sent, "to alert you and others to a potentially difficult situation in the Maghaberry which could escalate quickly. Billy Wright is demanding separate accommodation for

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<sup>10</sup> Statement of Prison Officer E, dated April 2, 1998.

his faction, either in Maghaberry or the Maze.” The views of Governor I can be found in the following:

#### “The Maghaberry Option

14. I can find few, if any, operational advantages in segregated accommodation at Maghaberry or Magilligan. Our determination to maintain both prisons as integrated prisons with the preservation of operational flexibility outside Maze in jeopardy. Visits, a generally neutral area, could be affected.
15. To withstand a sustained campaign or protest action at either or both prisons would invite comparisons with the segregation campaign in Belfast where eventually the benefits were very significantly outweighed by the disadvantages of injured staff and prisoners and political pressure from the DUP and those who are now well represented in the PUP.

#### The Maze Option – Internal Implications

17. There are significant operational attractions in terms of the management of the prison estate. It resolves the anomalous situation that the harder line Loyalists are now outside Maze enjoying the more liberal and less secure regime.
18. It is in line with the strategic role of Maze as a high security prison with a wing-based regime reflecting the additional challenges presented by segregated paramilitary prisoners. Concentration of paramilitaries in Maze also allows Magilligan and Maghaberry to ‘breathe more easily’.
19. If segregation is to be given, it is operationally easier to do in H Block style accommodation, a prison already organized along those lines. It

would also be preferable to fight on one front, Maze, rather than possibly two, Maghaberry and Magilligan.

#### Maze Option – Internal Disadvantages

20. The creation of a fifth faction would add to the complexities of running Maze. The CLMC threat is likely to remain or increase.
21. It is likely that both Loyalist factions, in particular the UVF, would resist. A Mid-Ulster Brigade or LVF wing, leg or Block would be a manifestation of divided Loyalist paramilitaries...
22. The demand is not without risk for Wright. He may be disappointed by the low level of prisoner support. In that case, we would be left with another small paramilitary rump. This would put at risk the strategic objective of reducing and eventually closing Maze. It would similarly be jeopardised if Wright's faction would be sufficiently large 75, to merit consideration of moving outside the best location, a leg of H6. The Governor, for financial reasons, is seeking to close one of the three Loyalist Blocks, the most likely being H1 whose legs are occupied by UVF and UDA. Allocation of the vacated Block to a significantly large Wright faction could exacerbate protests by both of them.
29. Summary  
There are significant advantages in accommodation in Maze. Withstanding a protracted campaign to achieve his ends could lead to fighting a war on two fronts. While it will not be easy in Maze, the rest of the estate will benefit.
30. There are potentially significant disadvantages on the wider political front, not least further internecine feuding among Loyalists. It is a close call for us and for Wright who may be unaware of the level of internal support. However, if we are to do it, I would prefer to do it

sooner rather than later and not be seen to be conceding to exercising internal and political pressure.”

- 3.76 A document dated 1 April 1997 and written by the private secretary to Sir John Wheeler, Minister of State, Northern Ireland Office indicated that Sir John Wheeler was, at this time, content to have Billy Wright transferred to the Maze and considered this to be the best option in the circumstances of Billy Wright’s case.
- 3.77 Billy Wright met with NIPS HQ Staff H of Prison Operational Management on various occasions to discuss a potential transfer to the Maze. A document from NIPS HQ Staff H to NIPS HQ Staff I dated 8 April 1997 reported on one of these meetings, stating that Billy Wright was pleased that the authorities were considering moving him to the Maze.
- 3.78 In a document dated 12 April 1997, NIO Official B, Associate Director Policing and Security, discussed a meeting where some in attendance had expressed concern that the NIO might be about to concede recognition to the LVF by giving Billy Wright and his associates their own wing in the Maze. Those opposed to the transfer argued that it would give the LVF real status in the paramilitary community and would stimulate their growth. There was also a reference to the fact that “even within the Maze there would be a severe risk of conflict in the visiting areas”.
- 3.79 The potential for conflict in visiting areas was a worry that had been expressed by Billy Wright himself. A document reporting on a meeting between NIPS HQ Staff H and Wright on 14 April 1997 stated that:
- “(Wright) displayed some anxiety about the possibility of confrontation at visitors’ reception. This contrasted with his more bullish approach last week. He said he would ask the Governor if he could use a different name so that his visitors could not be identified when they were called for the visit.”
- 3.80 It would appear that the one faction that may not have been vehemently opposed to the transfer was the UDA. In a memo written on 11 April 1997, NIPS HQ Staff H reported that he had been told by a representative of the UDP that the UDA prisoners

“should not react in any way” if Billy Wright was moved to the Maze and that the “UDA had no real problem with Wright – they were more against [LVF Prisoner 2]”.

3.81 On 18 April 1997 NIPS HQ Staff I, Chief Executive wrote to several individuals, including Governor I, to indicate that various factions had made representations regarding the planned move of Billy Wright to the Maze. The document stated:

“4. We are as you know between a rock and a hard place on this one because it remains our view that the least worst option is to accommodate Mr White (probably refers to Mr Wright) in HMP Maze as proposed and ministers have so far accepted this.

5. We have delayed the transfer however for practical reasons *because of the threat to him and his* and we cannot use the normal visiting facilities and we are urgently refurbishing a building previously vacated.” (emphasis added)

3.82 Whatever the nature of the discussions between Billy Wright and NIPS HQ Staff H, of Prison Services, it would seem that Wright was ultimately satisfied that he would receive the protection and amenities necessary to ensure a safe and stable prison life within the confines of the Maze. His petition for transfer, dated 21 April 1997, contained the following words written in his own hand:

*“Having been assured of my safety and a normal prison life at the Maze by the NIO I now formally request to transfer to HMP Maze.”* (emphasis added)

3.83 Even at this point, prison authorities harboured some concerns over the proposed transfer. It is interesting to note that in a letter dated 22 April 1997, Sir John Wheeler changed his stance and strongly opposed Billy Wright’s transfer. This letter, which was sent to a number of persons including Governor I stated:

“Since the Minister’s early agreement to the transfer of Wright a number of factors have emerged.

The Minister has studied security and intelligence information and has become aware of the risks – both within the prisons as loyalist factions fight for equal and greater privileges, and in risks to prison staff ....

Sir John has come to the conclusion that Wright should not be transferred to HMP Maze: (the underlining of not comes from the document itself) and wishes you to explore again what the options are should the decision be ultimately made to retain Wright and his followers at HMP Maghaberry.”

3.84 While the letter did not specify what the Minister had studied, it is apparent that, at that time, state security forces were in possession of intelligence information that militated against the transfer.

3.85 However, as a result of a subsequent meeting between Sir John Wheeler and senior prison officials – NIO Official A, NIO Official C, Governor I and NIPS HQ Staff I – the Minister of State, Northern Ireland Office, ultimately approved the decision to house Billy Wright in the Maze. Minutes of the meeting indicate that Sir John Wheeler:

“...outlined that he understood the difficulties the prison service faced and what was paramount was the management of Wright’s sentence. It would not be appropriate to hold him in solitary confinement for a period of 4 years and we should avoid a hunger strike situation. The Minister therefore agreed that Wright should be moved to HMP Maze. As regard timing it was agreed that he should be moved as soon as practicable (either late this afternoon or tomorrow) which would avoid further attacks on staff by the LVF.”

3.86 It appears that the move was delayed as a result of the atmosphere in the prison. A document from NIPS HQ Staff H to NIPS HQ Staff I dated 24 April 1997 stated that on 22 April 1997 NIPS HQ Staff H met with Billy Wright in the PSU in Maghaberry. NIPS HQ Staff H told Billy Wright that they had postponed his move “as the atmosphere at Maze was tense” and that UVF seemed determined to block his move by demanding a wing in H 6 for their own breakaway faction. NIPS HQ Staff H had discussed the situation with the Governor and stated:

“That he was certain that Wright would go on hunger strike if he was not moved;”

“He has to for the sake of his pride if nothing else”.

“... while I would not be competent to invade the territory of the RUC in terms of their assessment of the external environment I remain of the view that the trouble outside would not be substantially different whether Wright stays or goes.”

3.87 Billy Wright was transferred to the Maze on 26 April 1997. McWilliams and Kennaway, who had taken a guard hostage at Maghaberry, were transferred to the Maze a few days later on 2 May 1997. It was known from the outset that Billy Wright would be located in H Block 6 with other LVF members. It was also known that McWilliams and Kennaway would be located in H Block 6 with other members of INLA. The scene was now set for the murder of Billy Wright.

## H Block 6: events leading up to the murder

### A. The LVF protest

3.88 While the LVF had been anxious to obtain accommodation within HMP Maze, their experience in H Block 6 was turbulent. Shortly after his transfer to the Maze, Billy Wright petitioned against the conditions imposed on LVF prisoners. A monthly intelligence assessment for June 1997 reported that Billy Wright and other LVF prisoners intended to go on hunger strike to protest the fact that they were not being treated fairly and equally. For example they complained that, unlike other groups, the LVF was not entitled to receive Saturday visits. The response to Billy Wright's petition came on 21 June 1997 from the Operational Management Division. It stated:

“You were made fully aware of the differing regime currently operating at HMP Maze prior to your transfer. You, nevertheless decided to proceed with the transfer.

The Governor is currently looking at ways to address the problem of visits for those prisoners who affiliate themselves to the LVF faction” ...

3.89 The situation deteriorated and, in August, the LVF rioted in C & D Wings of H6. They did a considerable amount of damage to the Block and its furnishings and resisted the efforts of Prison Authorities to quell the riot.

3.90 Following the disturbance the LVF prisoners were removed from H6 to H2 which was described as a “*Vacant Block*” (emphasis added) in a memorandum from Governor I, who was then Director of Operational Management, to the PS (Private Secretary) – Minister of State dated 14 August 1997.

3.91 The only complaint that the LVF made while they were located in H2 was that they were held under Rule 32 punishment conditions. There was no complaint made with regard to the accommodation. One might have thought that a vacant block presented

an ideal solution to the potential difficulties flowing from the presence of Billy Wright and the LVF in H Block 6. It would have ensured that the LVF were not exposed to attacks by hostile rival factions. Yet the LVF were returned to the volatile atmosphere of H Block 6 on 6 October 1997, in order to accommodate a “refurbishment programme” that had been planned by the prison authorities.

## **B. INLA petitions: threats and warnings**

3.92 The lack of complaint by the LVF regarding their H2 accommodation becomes particularly significant in light of the INLA prisoners’ petitions against the return of the LVF to H6. Two of these petitions came from McWilliams and Kennaway. They are identical and it is sufficient to refer to the one submitted by John Kennaway on 21 September, 1997. It reads as follows:

“I would like a reply to the following questions to my satisfaction before you make the decision to return the LVF to H6 C & D wings.

1. Given that the prison establishment (PO on H6 on 13.8.97 the day of the riot disturbance in C & D wings) informed us that our safety couldn’t be guaranteed. Why are yous intent in returning the LVF to H6 C & D when such decisions would only place our lives in further jeopardy”
2. *Given that our safety cannot be guaranteed as a result of such a move are we supposed to take adequate precautions to protect ourselves? If so why are we being placed in such a position when there is other viable alternatives available, ie relocate the LVF on H3.”* (emphasis added)

3.93 The Prison Authorities responded to the petitions as follows:

“I am advised that the Governor has discussed this matter with you and has explained the position.

In recent times the number of prisoners affiliated to certain factions has meant that certain blocks have been occupied by solely one faction. It has however

been normal practice in the past that differing factions share the same block. The Governor is taking all necessary steps to ensure that the risks to your safety are minimized and your cooperation would be appreciated.

At present the need to reconcile accommodation pressures and the refurbishment programme means that alternative options are limited.”

3.94 The prison information monthly intelligence assessment for September 1997 provided that:

“INLA prisoners continue to express their concerns over the return of LVF prisoners to H6 ... INLA prisoners have claimed that if the LVF return to H6 their (INLA) lives would be placed at risk. *They have also stated that if the LVF returned to H6 they would not burn the Block but do something more spectacular*”. (my emphasis)

3.95 This could be interpreted in one of two ways. In any event, it could certainly be interpreted as a threat and ought to have prevented the rehousing of the LVF and INLA in the same block. Nonetheless, the LVF were returned to H6 on 6 October 1997.

3.96 The intelligence assessment for October 1997 noted that the INLA prisoners continued to be anxious following the return of the LVF prisoners to H6 C. They continued to claim that their lives had been put at risk. During meetings with Maze Management, INLA prisoners suggested that LVF prisoners should be moved to accommodation shared with other loyalist factions. The November monthly intelligence assessment simply noted that the INLA prisoners continued to be quiet and that their concerns over sharing accommodation with the LVF appeared to have waned.

3.97 The murder of Billy Wright on 27 December showed the error of that intelligence assessment.

3.98 The intelligence assessment for December 1997, (prepared following the murder) reported that:

“The murder follows the claim last month by both INLA and LVF prisoners that they had a no first strike policy against the opposing faction...

However prior to LVF prisoners returning to H6 on the 1st of October INLA prisoners stated that if the LVF did return to H6 they would not burn the Block but do something more spectacular.”

### **C. Other warnings**

3.99 Let’s consider what other information was available to the Prison Authorities from the time of the transfer until shortly before the murder.

#### **i Warnings given by the Prison Officers Association**

3.100 On 15 April 1997, a meeting was held between the Governor of the Maze and the Prison Officers’ Association (POA) Committee. At that time Governor A, the Governor, advised the Prison Officers’ Association that Billy Wright would be moving to the Maze and it was hoped that the LVF would be housed in H Block Number 6 in C & D wings. Prison Officer F, representing the Prison Officers’ Association, stated that the POA “would be adamant that extra resources would be required”. I would have thought that in light of the report of Prison Officer B of 10 September and the observations of Prison Officer M of McWilliams and INLA Prisoner A on 29 May it might have been expected, at a minimum, that the roofs and walls would be made more secure. This was of paramount importance in a situation as explosive as that created by the Prison Authority housing LVF and INLA members in wings of the same H Block.

3.101 On 3 July 1997, a memo from the Chairman of the Prison Officers’ Association to the Maze Committee indicated that Governor I had advised the Association that before LVF prisoners were moved to the Maze “*the resources needed to deal with these*

*prisoners would be provided*” (emphasis added). Yet, there is no indication that the security of the roof of H Block 6 was improved.

3.102 On 1 July 1997, the Prison Officers’ Association met with Mr Adam Ingram, the Prisons’ Minister, to discuss problems relating to the Maze. According to the POA minutes, the Association pointed out that the Maze did not have the staff or resources for an appropriate LVF visiting area and that, while Governor I had given assurances that resources would be provided, this had not yet happened. Perhaps most significantly, the minutes of the meeting also emphasized the POA’s great concern with locating the LVF in the same prison block as the INLA. The minutes stated “*The LVF are located in H6 with INLA on opposite side of block who have informed staff that they intend, given a chance, to take out the LVF. Precautions have to be in place to ensure that they do not come into contact with each other*” (emphasis added)

3.103 On 11 September 1997, a very significant letter was sent by Prison Officer F, Branch Secretary of the POA, to [name redacted], the Safety Officer at the Maze, and to Governor E. One of the prime concerns referred to in the letter was the ease with which prisoners could gain access to the roof of H6 from wings A & B. The letter expressed the following views:

“Due to recent threats from the INLA that they will burn H6 if LVF are returned leave staff extremely concerned about the ease of access to H6 roof from A & B side of the building.

The same scenario now exists which allowed H Block 3 to gain access to their roof i.e. only one coil of concertina wire above the inspection area at the rear of the block.

H6 A & B has rear sterile gates in place – but left in the open position. We therefore formally request that these gates be locked so as to slow down action by the INLA of gaining access to the Block roof thus allowing staff to vacate the Block if an incident occurs.”

3.104 With regard to the last comment, it should be noted that Prison Officer B had earlier noted in a Staff Communications Sheet that even when the grille appeared to be locked, it took an A Block prisoner only 10 seconds to gain access to the yard and from there he could have gained access to the roof.

3.105 It would appear that at least one of the Governors shared the concerns expressed by the POA, and anticipated that INLA might well resort to violence to protest the LVF's return to H Block 6. A Staff Communication Sheet authored by Governor E on 6 October 1997 explicitly observed that INLA was "planning some form of action". He wrote as follows:

"On 6 10 97 I received information from a staff source regarding apparently "strange/unusual" behaviour on the part of the INLA in H-6.

It is important to note that this information should be viewed in conjunction with previous information

- i. [PIRA Prisoner A]'s comments from a PIRA perspective
- ii. The meeting between Governors E and B with [INLA Prisoner C] and [INLA Prisoner D]
- iii. Prisoners sending out all musical instruments on 3 10 97
- iv. Prisoners paying particular attention to the yard towers and fences
- v. INLA's statement that their response would be more spectacular than that of the LVF"

3.106 He continued

"Analysis

At this state, it is difficult to assess what, if anything this and other pieces of information means. It is certainly possible that we may be overreacting and we are seeing patterns that may not necessarily exist. However, it is implausible that everything contained above could be explained as coincidence. As a consequence, it seems that the INLA are planning some sort of action from 12/13 10 97 onwards although we have no evidence as to

what may happen or what form action may take. Certainly, their command structure appear under pressure to react to the arrival of the LVF back in H-6.

Although small in number, the INLA have a number of significant “operators” within their midst many of whom have little prospect of release in the short to medium term, hence the Maghaberry incident on 28 04 97. Furthermore they have a number of individuals within their ranks whose links with the Republican movement can best be described as tenuous and who would be willing to undertake any sort of action to prove their worth.”

3.107 Two days earlier, a prison officer had reported to Governor E and others that he had seen various INLA prisoners, including John Kennaway, engaged in what appeared to be a careful examination of the A & B wing exercise yards, observation tower, and fences in H Block 6. It is possible that this was the “strange/unusual behaviour” referred to by Governor E in his report.

3.108 In any event, it is clear from the document that, as early as 6 October 1997, prison authorities were aware that there were plausible reports which spoke of a significant and apparently imminent risk of violent action by INLA against the LVF. Further it is important to bear in mind Governor E was the Governor of Security at the Maze. One might have expected that concerns expressed by Security Governors would be taken very seriously by the Management Committee. Yet, the LVF remained in H Block 6. Unfortunately no steps were taken to avert what had become a clearly foreseeable risk of violence. What is particularly unfortunate is that it could have been avoided by placing the INLA and the LVF factions in separate H Blocks. I would have thought that, in light of the foreseeable risks of violence and death, projects of refurbishing could have been postponed or modified if that was necessary to avoid or at least to significantly reduce the risks of violence to prisoners.

3.109 To move the LVF to another H Block was probably the best solution to threatened violence. It was certainly a feasible solution. This was demonstrated by the rapidity with which the INLA prisoners were moved following the murder of Billy Wright. It was a step undoubtedly taken to protect INLA members from reprisals by the LVF. It

is unfortunate that no similar steps nor indeed any steps were taken to protect the LVF and Billy Wright prior to his murder.

**ii. The meeting of 24 October 1997**

3.110 On 24 October 1997 an important meeting of Governors and Prison Officers took place. The Prison Officers were requested to meet with Governor F. When they arrived Governors F, K and Deputy Governor D were already there.

3.111 The accounts of this meeting come only from the Prison Officers. However their statements are both clear and consistent. They carefully warned the Governors of the threats being made by INLA prisoners against LVF members, particularly Billy Wright. As well the officers emphasized the lack of security and pointed out the very real danger that arose from the ease of access by prisoners to the roof. They described in detail how the killing of LVF prisoners could be carried out. Indeed one of their descriptions reflected Billy Wright's murder.

3.112 Prison Officer U made two statements, one shortly after the murder of Billy Wright and the second dated 5 February 2003. There are no inconsistencies in these statements. According to Officer U, on 24 October 1997, he and Prison Officer H were requested by Senior Officer C to attend a meeting with Governor F. When they arrived Governor F, acting Governor K and Deputy Governor D were present. Prison Officer U stated "...We told them in strong words that we thought the main threat was from the INLA against the LVF and that we thought a shooting incident could take place. We mentioned the names of McWilliams, Kennaway and Glennon as being the most likely inmates to be involved in such an incident." Prison Officer U went on to state:

"we told these governors in strong terms that the incident may take place in the exercise yards of H6 or more likely in the forecourt of H6, either by climbing over the roof into the forecourt or firing from a cell window into the forecourt. We told them that we thought guns could already be concealed in the Block or that they might be brought in during the INLA Christmas Party. We voiced these concerns in strong terms that could not be mistaken.

Governor F told us that Governor I really wanted to take control of the matter and our concerns would be passed on.”

3.113 Detective Sergeant A of the RUC took the initial statement from Prison Officer U. Detective Sergeant A wrote a report dated 30 December 1997, to his senior officers. In it, he outlined the contents of Prison Officer U’s statement and then added this significant comment:

“The officers had been told by INLA inmates that they were not prepared to tolerate the LVF in the same block. They vowed that something serious was going to happen. These warnings went on for several weeks. They named Billy Wright but also stated “any Prod. would do”. This was not included in the statement as Officer U had concerns about source protection. He will include it in a statement if it is required.”

3.114 Detective Sergeant A noted that Prison Officer U was furious that the warnings went unheeded by those in authority. He added that in his opinion Prison Officer U “appears to be a strong and truthful witness”.

3.115 On 30 December 1997, Prison Officer H gave a statement to the police. In it he described the same meeting in this manner:

“On Friday the 24th of October 1997 I was detailed evening duty H6 Control Room. At 1400hrs the day staff returned on post and I reported to Senior Officer C. Senior Officer C asked myself and Officer U to go to the Governor’s Office in Phase 3.

Governors F, K along with the number two Governors were present. Officer U and I were asked questions regarding the state of security in H6 and our views on what could be done to improve the working procedures to add the health and safety for staff and prisoners (INLA and LVF). We were also asked of our opinion on where the most likely threat would come from and whether it would be towards staff or the other faction.

Officer U and myself expressed great concern over the security on A + B side of H6 as both yards were open to the INLA including the central sterile area. We highlighted the fact there are only two rolls of “B wire” on the roof in the central area.

On several occasions we both had raised this point with a number of senior staff to no avail.

Regarding the recent incident of the shooting of prisoner Wright we had made the Governors fully aware of our thoughts. We had named the prisoners involved, the way in which it would be carried out, e.g. over the roof or through a window, we also told the Governors of our gut feeling that prisoner McWilliams was planning something along with prisoners Glennon and Kennaway. All three named prisoners were housed in A Wing and both myself and Officer U had working experience with them and we knew their attitudes.”

3.116 On the next day 31 December 1997, Prison Officer H repeated what he’d said the day before, adding that the Prison Officers had also told the Governors that “we had been aware from talk within the Prison that McWilliams was going to get Billy Wright whom he always referred to as King Rat or Rat”.

3.117 A prison officer who (like the Detective Sergeant) had the surname [surname redacted] [Prison Officer I] also gave a statement to the police in December 1997. He stated that he was with Prison Officer H when he met the acting Governor and the “No 2 Governor” on 24 October 1997. He confirmed Prison Officer H’s account of all that had occurred in the meeting. He said that the three guards had told the Governors “in very strong terms that there could be a shooting in H6”. They had told the Governors again that the roof was very insecure and that there was nothing stopping INLA from climbing over the roof and shooting LVF prisoners or shooting from a cell window at LVF prisoners. He stated that “we told them in the strongest terms that the two factions (INLA and LVF) should not be in the same block”. He said they referred to the fact that Chris McWilliams had managed to get a gun into Maghaberry shortly before he was transferred to the Maze. They spoke of the “deep

hatred held by INLA for the LVF and particularly mentioned Billy Wright”. He thought the meeting took place over the course of an hour. He said that Governor F advised the prison officers that Governor I wanted to get to grips with the problem and he would be informed of the problems that they had raised.

3.118 In a statement made on 13 January 1998, Governor K denied that he had received any warning concerning H Block 6 during the period that he was in charge from November 1997 to 5 January 1998. Curiously he made no mention of the warning that might have been given to him in October 1997. It does not appear that either Governor F or Deputy Governor D have made any statements regarding this meeting. I have not seen any minutes or statements from Management to confirm the incident, neither have I seen any documents from the Governors denying that the meeting took place.

3.119 A document authored by NIPS HQ Staff B, Prison Policy Branch on 11 July 2000 reported that Governor D “did not deny meeting” with Officer U, and that, in fact, he clearly remembered calling the meeting because of concerns raised at a Board of Visitors Meeting. According to this document, Governor D did not recall the full details of the meeting with the prison officers but did recall thinking that there was no specific evidence to substantiate the general concerns raised by Officer U and others at that time.

### **iii. Other Intelligence**

3.120 The documents I have reviewed indicate that various state security forces received regular intelligence reports from agents regarding Billy Wright. It is apparent from these documents that intelligence agencies were aware that Billy Wright was a target of INLA as early as December 1984. Between 1994 and 1997, a number of agents reported on threats against Billy Wright and the fact that he was a target of Republican paramilitaries, including INLA. Some of these threats were passed on to the Special Branch of the police force and, on at least one occasion, Billy Wright was warned by the RUC that he might be the subject of an assassination attempt by PIRA.

- 3.121 Certain intelligence reports received by the Security Service were specifically concerned with the threat posed to Billy Wright while he was in prison. Agents often reported on the situation in the Maze prison, particularly that, in the Spring of 1997, INLA was expressing great anger, hostility and discontent regarding the possibility that Wright might be transferred into H Block 6. In the Spring of 1997, one agent reported that INLA were intent on killing Billy Wright if he was transferred to an INLA H Block. Another report from the same period indicated both an intention to kill Wright by INLA prisoners if the opportunity arose, and access to the specific equipment that would enable them to do so. Documents relating to this specific threat indicate that it was passed on by the Security Service to the Special Branch Division of the RUC. Certain documents relating to this matter were significant to me in that they could be taken to lend credence to intelligence reports that relate to the killing of Billy Wright. However, for purposes of agent protection, it is necessary to refer to this material in a sealed secret appendix, which is attached.
- 3.122 The documents do not make it clear whether these threats to Billy Wright were passed on to prison services by the RUC. Prior to Billy Wright's murder there was no governing protocol, as there is now, for the exchange of intelligence information. However, in the Report on the Finucane murder it was noted that, at that time, the RUC had primary responsibility for taking executive action on intelligence, including warning prison authorities where appropriate.
- 3.123 However when Billy Wright was murdered, there was a police constable permanently attached to the Maze Prison, who maintained daily contact with the Army Prison Guard Force and the Security Information Centre. In addition, regular meetings took place with prison authorities to discuss security intelligence issues. A prison overview meeting was held monthly to discuss problems and share information. This meeting was chaired by the Chief Executive of the NIPS and attended by the RUC Special Branch, the Governors of HMP Maze and Maghaberry, Prison Intelligence Unit Governor and representatives from the Army and Security Service. However, one Report that examined the issue concluded that the flow of communication between these agencies, particularly the RUC, the Army and the NIPS, was far from perfect,

and that there was a “marked lack of meaningful dialogue at a strategic level.”<sup>11</sup> It was this Report that led to the implementation of written protocols. These protocols, which were designed to ensure better coordination of intelligence communications, came into effect in 2000.

3.124 It is possible that the intelligence concerning Billy Wright was passed on to prison officials either through the liaison officer that was stationed at the Maze or through security meetings. If the intelligence was passed on, then it was still further information in the possession of the prison authorities that should have alerted them to the very real danger which existed as a result of housing the LVF and INLA in the same H Block. If this intelligence was not passed on, then this raises questions concerning the PSNI, Army and Security Service’s responsibility to forward information that bore directly on the safety and security of prisons to the proper officials so that they could take the required action. In light of the specific nature of some of the threats to kill Billy Wright, it may well be that a failure to alert prison authorities to this intelligence would constitute a collusive act since it could amount to turning a blind eye to a situation of real and imminent danger.

#### **iv. Why H Block 6?**

3.125 It would appear that the prison authorities had received warnings from Prison Officers at least 2 months before the murder that Billy Wright’s life was in danger. They were aware that the very persons who had attempted to murder Billy Wright in Maghaberry Prison were now located in the same H Block. They knew that the presence of two such hostile factions made the ease of access to the roof a particularly serious problem in H Block 6.

3.126 They had, as well, received at least two months prior to the Wright murder the petitions of the eventual murderers, McWilliams and Kennaway who opposed the return of the LVF, stated that they felt threatened and clearly inferred that they would take action to protect themselves.

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<sup>11</sup>“A Follow-up Inspection of Her Majesty’s Prison Maze, 1999, A Report by HM Inspector of Constabulary, Mr Dan Crompton CBE QPM CIM.g.t (“The Crompton Report”)

3.127 It might well be said that a prison cannot be operated on the basis of the threats of some prisoners or even on the basis of warnings given by prison officers. Yet I think it should be born in mind what was known by the prison authorities prior to the murder of Billy Wright. They knew that McWilliams and Kennaway were convicted murderers. They also had intelligence that these two had in their hostage taking at Maghaberry sought to find and murder Billy Wright. In light of these factors perhaps the thinly veiled threats contained in their petitions should have been considered seriously by prison authorities. In addition the reports of the prison officers were clear and definite. Indeed the report of Prison Officer U and Prison Officer H was prescient. They were able to name those who became the actual murderers. Further they stressed once again the very real dangers arising from the ease of access to the roof of H Block 6. Neither should it be forgotten that it was the prison officers who had the difficult task of overseeing the prisoners in the Maze on a day to day basis. They, more than anyone else, had access to information that should have been carefully considered by prison authorities. It is now appropriate to consider the murder itself.

## The events of 27 December 1997

3.128 On the morning of Saturday 27 December Billy Wright had visitors. This was the first time he had received a visit on a Saturday morning. It was standard procedure that, when a prisoner had a visitor, his name would be called and he would go to the circle portion of the H Block in the company of a prison guard. Upon receiving clearance he would wait then proceed on out into the forecourt and climb into the prisoners' van which would take him to the visits area. More will be said a little later about the preparation of the visits lists for the 27th.

3.129 That morning, there was the usual complement of guards on duty in the circle area. One officer, Prison Officer K, began his tour of duty at 8.15am. He recalled that, about 8.30am, the prisoners in A & B wing asked that the exercise yard be opened and this request was granted. He said that everything appeared to be normal that morning. He noticed that one of the INLA prisoners "Sonny" (John) Glennon was working on a mural which was about 5 or 6 feet away from the grille. One of the guards<sup>12</sup> stated that anyone working on the mural would be in a very good position to both see and hear what was happening in the circle area. About 9.50 in the morning one of the officers received a call from the LVF visits unit and was advised that there were visitors waiting for Billy Wright and LVF Prisoner 1. The officer working in the circle area, Prison Officer G, recorded the names and numbers of the two prisoners and took out their identification cards. He then buzzed through to the officer manning the grille on C & D wings where Billy Wright and LVF Prisoner 1 were located. Another guard, Prison Officer S, collected the identification cards then went to the circle area where he called for Billy Wright and LVF Prisoner 1 to be brought out. Prisoner LVF Prisoner 1 remembered that he was called out at around 9.55am. There can be no doubt that the call for Billy Wright and LVF Prisoner 1 would have been heard in the wing housing the INLA prisoners.

3.130 A few minutes later Prison Officer G saw Officer S and prisoners Wright and LVF Prisoner 1 walking through the circle to the forecourt exit. He telephoned through to

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<sup>12</sup> Statement of Prison Officer D

“locations” to advise them that the prisoners had left. Shortly after Wright and LVF Prisoner 1 entered the forecourt, Officer X heard what he described as “cracks”. Almost immediately after that he heard Prison Officer U on the intercom saying that there had been a shooting in the yard and to get an ambulance. About this time Prison Officer L arrived back on duty in the observation tower.<sup>13</sup> He called to the control room to ask if there had been gunfire. Before Officer X could respond to Prison Officer L’s question Prison Officer L stated that there were men on the roof. There was then a period of chaos described by one guard as “pandemonium”. INLA and LVF prisoners were shouting and taunting each other at the end of their wings.

3.131 Auxiliary guard Q was driving a Renault Van which was to transport the LVF prisoners from C & D wing to the visitors’ complex. Prison Officer Q said that when he got to the forecourt of H6, he found that the van used to transport the INLA prisoners had already arrived and was backed up to the door of H Block 6. Prison Officer Q then pulled to the right of the other van and reversed into position at an angle. This was thought by some LVF prisoners to be a departure from the usual procedure of the van drivers. By way of contrast, Prison Officer U testified at the Coroner’s Inquest that this was a common occurrence. In any event, the LVF van ended up being parked next to the INLA wing whereas the INLA van was parked alongside the LVF wing. The rear doors of Prison Officer Q’s van were permanently locked. As a result prisoners could only get in and out by means of the sliding door located on the left side of the vehicle.

3.132 Prison Officer Q stated that about 9.45am he heard an officer shouting that there were visits for two LVF prisoners, one of whom was Billy Wright. Shortly after, Billy Wright, the other prisoner and their escort Prison Officer S came out to the van. Prison Officer S gave Prison Officer Q the prisoners’ identification cards and he and the two prisoners then got into the back of the van while Prison Officer Q climbed into the driver’s seat. Prison Officer S sat directly behind the driver. Next to him was an empty seat and then the following two seats were occupied by Billy Wright and LVF Prisoner 1. Prison Officer S, LVF Prisoner 1 and Billy Wright were sitting sideways facing the side door of the van.

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<sup>13</sup> The circumstances surrounding Prison Officer L’s manning of the observation tower are discussed in some detail at paragraphs 3.153-3.169 following

- 3.133 Prison Officer Q started the van and moved forward towards the security gate. He saw the guard Prison Officer T open the security gate on the left hand side. However as Prison Officer T started to open the second gate he saw someone running in a crouched position across the roof of A wing holding an automatic hand gun and then approaching the van in the forecourt. It was at this time that Prison Officer Q also saw a man run across the front of the van to the passenger door. He noted that the person was holding a hand gun with a slide on it and was pointing the gun at him with his right hand as he was trying to open the sliding door with his left. He shouted to Prison Officer Q twice to stop the van. It was then that Prison Officer Q saw a second person running toward the gate. When he saw this, he was afraid that the prison officers were about to be taken hostage. The van was still moving forward and Prison Officer Q intended to accelerate through the gates but Prison Officer T had closed them because he feared that the prisoners were attempting to escape. Prison Officer Q stopped the van some 10ft from the gates. Just before he stopped he heard what sounded like gun shots.
- 3.134 From inside the van Prison Officer S saw a male person running along the side of the vehicle and trying to open the sliding door. At first he thought that it might be a late “call on” for a visit but he began hearing a great deal of shouting from outside the van and the van came to an abrupt halt.
- 3.135 When the van came to a stop, the man at the side opened the door and Prison Officer Q saw him fire four or five shots into the rear of the van. By this time Prison Officer Q, had left the van and he saw the gunman running back over the roof of the block and disappear from view. He thought that everyone in the back of the van was dead; however at that moment LVF Prisoner 1 came out shouting towards the LVF wing that “they shot Billy”.
- 3.136 Prison Officer S saw the side door of the van open and then McWilliams, holding a gun with both hands, begin shooting at the prisoners in the back. When this happened, Prison Officer S dropped to the floor. LVF Prisoner 1 said that when the sliding doors opened he saw McWilliams, and at the same time, saw Billy Wright get to his feet. He saw Billy Wright fighting but could not see his opponent. After five or

six shots Billy Wright fell back onto LVF Prisoner 1's legs. He attempted to resuscitate him but that proved impossible. Prison Officer I saw McWilliams shooting and said that he was smiling as he fired the shots into the van. Another LVF prisoner was looking out a window in C wing at the time and had a clear view of the shooting. He saw Billy Wright standing up in the back of the van immediately behind the open door kicking out at McWilliams. He saw Kennaway standing just to the right of McWilliams and that he too had a hand gun. Billy Wright kept coming at them and kicking at which point McWilliams stepped back and started firing.

- 3.137 The killers went back over the roof from whence they came. The Immediate Reaction Force (IRF) arrived at the scene within a couple of minutes of the shooting. They took over and had the van driven to the hospital. Billy Wright was seen by a doctor who pronounced him dead at 10.50am.
- 3.138 The autopsy report confirmed that Billy Wright had been struck by several bullets one of which lacerated the aorta in the heart. It was this last bullet which was fatal.
- 3.139 When the murderers returned to A wing, McWilliams advised the guard that "It was all over", that they were not interested in the guards, and that they were prepared to turn over their weapons through [name redacted]. [name redacted] was summoned and the three men did indeed turn over their weapons.
- 3.140 Subsequent investigation by the RUC resulted in the recovery of various shells and rounds of ammunition, including a spent .22 casing under a towel in a cell in A wing. The police also discovered a square hole that had been cut in the wire fence surrounding the exercise yard adjacent to wings A and B of H Block 6. This hole had very likely been cut with improvised bolt cutters, with the handles made with the legs of a chair. It was the hole in the fence that facilitated the killers' access to the roof of H6. Chairs had been placed in front of the hole in the fence to conceal it. In addition, pieces of shoelace in the area led investigators to believe that the INLA prisoners had tied the fence in place to help conceal it.
- 3.141 The gun used to kill Billy Wright was a Hungarian FEG 9mm Makarov semi-automatic pistol. The pistol had a seven round capacity detachable magazine. At

least seven shots had been fired during the incident. This pistol had been used by INLA in a punishment shooting in late September, 1997. A second firearm had been brandished, but not fired, during the course of the murder.

3.142 During a strip search of McWilliams, Prison Officer Y asked him whether he was responsible for the killing. McWilliams smirked and said “*It couldn’t be avoided, yous put him in the block with us. There could have been 20 of us burned because of him*”. (emphasis added)

3.143 At about 2.55pm the process of moving the thirteen remaining INLA prisoners to H Block 3 began, and it was completed by about 4.00pm. *This confirms that there was other accommodation available in the Maze Prison on the day of the murder and that it was possible to quickly transfer prisoners to that location.* (my emphasis)

## **Irregularities on the day of the murder**

- 3.144 A number of questions arise from the actions or lack of actions taken by Prison Authorities before and during the day of the murder.
- 3.145 It may be helpful to consider intelligence after the shooting of Billy Wright. One report indicated that the decision to assassinate Billy Wright was made by INLA earlier in December 1997 and may have been prompted by recent LVF sectarian attacks. Once the decision was made and suitable circumstances for the assassination identified, INLA prisoners waited for the necessary conditions to be met. Clearly and perhaps it is obvious that the murder of Billy Wright had to wait until he was vulnerable to attack, ie not with other prisoners and unguarded. One intelligence report suggested that INLA considered that the prospects of a successful attack on Wright would be significantly enhanced if, among other things, the watchtowers overlooking the relevant H Block exercise yard were unoccupied during its execution.
- 3.146 Certain documents were significant to me in reaching my conclusions in this Report. The significance of them must be considered in light of what happened on the day of Billy Wright's murder and immediately before, that is to say, the distribution of the visitors' lists to both factions, the standing down of the officer in the watchtower overlooking the A/B exercise yard, the failure to maintain operational surveillance cameras and, perhaps, the positioning of the visitors' vans on the day of the murder. However, for purposes of agent protection, I cannot refer to this material in the text of the public report, but rather, have attached it in a sealed secret appendix.
- 3.147 Timing was extremely important to the killers. They could not cross the roof too quickly after hearing Billy Wright's name called because he would not have been in the van. Nor could they be too late or the van would have proceeded through the security gates. The timing had to be precise. The three killers would have to be advised that Billy Wright had been called for his visit; they would then have to pick up the two firearms, with their carrier slings, (holsters for carrying guns) and after that make their way over the roof and down to the van in the forecourt at the appropriate moment. Although it is disputed, the prisoners claim that they could get across the

roof in some 18 seconds. Yet before they could climb onto the roof they had to retrieve their weapons and carrying slings and place themselves in a position to get through the hole in the fence and then over the roof.

3.148 There can be little doubt that they heard the calling of Billy Wright and LVF Prisoner 1 by their names and would know that they would soon be coming through the circle on the way to the van. Still, they could not have moved until those two prisoners were actually leaving the circle area to go out to the van. The timing requirements were extremely demanding and limiting. Because timing was so important to the success of the operation, it is necessary to review a number of irregularities that occurred on the day of the murder. One of these concerns the procedure for distribution of visitors' list to the various wings.

#### **A. Visitors lists**

3.149 On 20 January 1998 Prison Officer V gave a statement to the police officers investigating Billy Wright's murder. On 23 December she was detailed to arrange the visiting permits for the coming Saturday, 27 December. Apparently the Saturday list was being prepared in advance because there were to be no visits on Christmas Eve, Christmas Day or Boxing Day. Officer V stated that it was normal practice to send two separate visitor sheets to H Block 6 because it housed two opposing factions. In her first statement Prison Officer V stated that she had, in fact, sent two separate sheets to H6. However in a later statement, dated 18 May 1998, she confirmed that the list pertaining to the C wing (the LVF Wing) also contained the names of INLA prisoners from A & B wing. She acknowledged that a mistake had been made. This mistake was confirmed in her deposition prepared for the Coroners Inquest. She stated that two sheets, one for A & B wing and another for C & D wing, were sent in separate envelopes to the Principal Officer in charge of each Block. She said that she could not account for what happened to the sheets once they were sent to the Block.

3.150 Her testimony at the Coroner's Inquest gives rise to some concern. She stated that she could not explain the apparent discrepancies between the original visitors' sheet which was given to David Wright (Billy Wright's father) by LVF Prisoners and the document that was submitted at the Coroner's Inquest as "the original" by the

Northern Ireland Prison Service. They both purported to be the original documents sent to the wings but that could not be so. They were not identical in that they listed different names. Officer V admitted under oath that the handwriting on each document was her own but she could not explain the differences between the two documents or when one had been altered.

3.151 Prison Officials have since acknowledged that the mistake went even further. As a rule, each wing in H6 would only receive its own visitors' sheets which would list the prisoners from that Wing who were expecting visitors on a particular day. However on Friday 26 December, both the LVF and INLA wings received the visitors' sheets for all of the wings in the Block. As a result each faction must have been aware of the persons in the opposing Wing who would be called for visits on 27 December. This unusual procedure was attributed to staff error and nothing further seems to have been said about it. Whether this was simply a clerical error or an indication of something more sinister can only be determined at a public inquiry.

3.152 A perusal of the sheets indicates that each faction would simply know which prisoners were receiving visits on that day. The time of the visits would not be shown. Nor was it specified whether the visitor was attending in the morning or afternoon. However the lists would at least identify a day on which the killing squad would have to be assembled and prepared to attack. The sheet clearly stated that Billy Wright was receiving a visitor on 27 December 1997. The fact that the visit was in the morning was unusual for Billy Wright. In all his months at the Maze, this was the only occasion on which he received a Saturday morning visit. Contrary to the position taken by the INLA killers that they were aware of the pattern of his visits, this could not have applied to visitors received on Saturday morning by Billy Wright. The changes in the story of Officer V and the position of the Prison Service are matters for concern. However, the fact remains that the sheets could have been used for a tip-off or indication for the INLA killers that they should be prepared to attack on Saturday the 27th. It may even be that more precise information about the timing of the visit had to be given to INLA in order to ensure the success of the attack. The questions that arise from the distribution of visitors' sheets to both the LVF and INLA wings is certainly a matter that has to be taken into consideration with other worrisome aspects of the murder.

## **B. The standing down of the A/B wing watchtower**

- 3.153 In a statement, Prison Officer L confirmed that he arrived at work at 8.15am and in the usual way reported to the Prison Officers' office in the staff area. From there he went to the Block Control Room and obtained the keys which would permit him to pass through the gate leading to the observation tower overlooking A & B wings of H Block 6. By 8.20am he was in his post, sought permission and tested his alarm system. There then followed a disturbing and peculiar series of events. Around 8.50am he received a call to come down from the tower and report to the Prison Officers' office. He left the tower but when he reached the main gate of H6 he was told by another officer that there had been a change of heart and he was to return to the tower. This he did.
- 3.154 A little while later at about 9.30am he was called again and told to leave the tower. On this occasion his instructions were to report to prison visits. At this stage I would note that Prison Officer J confirmed that he and his colleague Prison Officer N had received a telephone call from the AMIS (Attendance Management Information System) office instructing them to remove the guards from the two observation towers from H Block 6 and to dispatch them to work in the visits area which was apparently understaffed. For his part, Prison Officer L went, as he had been told, to the Prison Officers' office. There he contacted a representative of the Prison Officers' Association (POA). The POA had specifically instructed its members that they should contact an Association representative in circumstances such as these. On this occasion the POA representative, Prison Officer A, told Prison Officer L to remain where he was while he spoke to the duty Governor. Some five or 10 minutes later Prison Officer A called Prison Officer L and told him that the situation was going to be reassessed. About 9.50am Senior Officer J directed Prison Officer L to return to the tower. Once again he obtained the keys and made his way to the observation post.
- 3.155 Before he had time to take his coat off or sit down he heard a burst of gunfire. He believed that there were at least six or seven shots. The observation towers were supplied with tinted glass so that the prisoners could not see the guards in the towers but the guards could still see out. In order to improve his view of the situation still

further Prison Officer L opened the sliding window. At this point he saw prisoners on the roof of A wing. As soon as he saw them he pushed the alarm button and told the Block Control Room “I have heard what sounded like gunfire and there are prisoners on the roof of A wing”.

- 3.156 Prison Officer L saw three prisoners on the roof. He believed that they must have climbed up somewhere near the location of Cell three or four. They crossed the roof and jumped off into the sterile area around the TV room where the multi gym equipment was located. Although he couldn't see them, he thought that they must have proceeded through the fence in the sterile area and then entered the block using the door that led into the exercise yard. Although he didn't see a hole in the fence he assumed there had to be one for the prisoners to take the route back into the A & B wing which they followed.
- 3.157 Prison Officer L was given permission to stand down because of the apparent imminent danger. He then went to the main gate of H6 where he reported what he had seen to either Governor B or Senior Officer W. He identified the three men he had seen on the roof as Christopher McWilliams, John Kennaway and John Glennon. In a later statement Prison Officer L stressed that he had been ordered down from his post in the tower. He related that he had received a handwritten letter from Governor I, who at the time was the Number One Governor of the Maze, confirming that Prison Officer L had been following orders when he left his post in the observation tower. Prison Officer L further expressed his opinion that if he had been at his post when INLA first climbed onto the roof he would have raised the alarm immediately and the murder might have been prevented.
- 3.158 Prison Officer I was present when Prison Officer L was called down from his post. He said that he was present when an argument took place between Prison Officer L and Senior Officer J. He said that Prison Officer J was telling Prison Officer L that Governor J had ordered that the towers in other Blocks be stood down and that there was no problem. However Prison Officer L insisted that he was returning to his tower overlooking the A & B wing and Prison Officer J eventually agreed.

- 3.159 Prison Officer O, in his statement, said that on the morning of the 27th there was a staff shortage in the visitors' area. He went to Governor J's office about 9.10am to advise him of the problem. Prison Officer O said that Governor J told him to close both H6 yards towers and send those guards over to visits. Prison Officer O then telephoned Senior Officer J who was in charge of H Block 6. A short time later Prison Officer O received a call from Prison Officer A who challenged the decision to stand down the guards from the towers in H6. Prison Officer O and Prison Officer A then met with Governor J and a decision was made to reoccupy the tower.
- 3.160 In his statement Governor J denied that he ever stood down the tower guards in H Block 6. He did make the decision to stand down the guards in all the other blocks around 9.15am. However he stressed that he exempted H Block 6 because it housed two rival factions. Governor J stated that around 9.30am Prison Officer A confronted him about his decision to "drop the tower in H Block 6". Governor J said that he immediately told Prison Officer A that he was mistaken and that H Block 6 should not be stood down and the post should be reinstated immediately.
- 3.161 Prison Officer A gave a very different account of this conversation. In his statement, he said that after Prison Officer L told him that he had been ordered to stand down, that he went to speak to Governor J. Prison Officer A said that he asked Governor J if he had stood down the A & B Tower in H 6 and Governor J responded that he had. When Prison Officer A asked why this was done, he was told that Governor J required the officers for the visits. Prison Officer A pointed out that this was contrary to the agreement between management and the POA. When he thought that he wasn't "getting through to Governor J" he threatened to get the rest of the Prisoner Officers' Association Committee to close down the visits. It was only at this point that Governor J reconsidered his decision to stand down the watchtower and permitted Prison Officer L to return to the observation tower.
- 3.162 There is conflicting evidence as to whether or not Governor J issued an order to stand down the watchtower guards in H Block 6. I cannot resolve that conflict. However, it is undisputed that Prison Officer L was called down from his post not once, but twice, on the morning of the murder, the second a very short time before the shooting took place. This was an unusual series of events. It is particularly worrisome in light of the

earlier agreement of the prison management that security posts would not be vacated in order to provide officers to staff the prison visits.

3.163 This agreement is clearly confirmed by an extract from the minutes of a meeting between the Governors and the POA dated 23 July 1997. It reads:

“Prison Officer F said that the POA were adamant that if the visits were short of staff then security posts must not be dropped to facilitate inmate facilities. He stated that if security posts were dropped then for every four staff short in visits a visiting room should be closed due to management’s inability to provide a safe place and system of work for staff.

Governor A said that he would talk to Block Governors in the morning and the prisoners would be told that their visits time may have to be curtailed due to shortfall of staff.”

3.164 It will be necessary for a public inquiry to investigate the reasons for Prison Officer L being called down from his post in the observation tower on two occasions shortly before the murder of Billy Wright.

### **C. Cameras**

3.165 There was an observation camera that was specifically designated to observe the activities on the roof of H Block 6 and in the exercise yard utilised by INLA inmates from A & B wings. It will be remembered that earlier documents had stressed the importance of cameras. Indeed the opinion had been expressed that they might be a means of replacing the officers in the observation towers. In any event there can be little doubt of their importance as part of the security provisions at the Maze and their particular importance to H Block 6.

3.166 The designated camera would have provided a good view of the roof of the H Block and the exercise area utilized by the INLA prisoners. Unfortunately, that camera was not operating on the day of the murder. The statements reveal that the camera had been unserviceable for at least five days prior to the murder. There is a further very

disturbing document. At the bottom of the minutes of a Governors/POA meeting that took place on 9 October 1996, there is a handwritten note seemingly added later. It is as follows:

“Saturday 27 December 1997 \*Gov J remove staff from yard observation towers to go to visits. \*ECR have complained for last three weeks on a daily basis that overview cameras not working. \*Wright/LVF Prisoner 1 first two LVF for visits on 27.12.97 from H6.”

3.167 The Report in the ECR Senior Officer’s journal (which is undated) indicates that the camera overlooking “A B yard in H6 lost its picture on December 22nd 1997”. The defect was reported at 11:45 that morning. The Service Report shows that a two man repair team arrived at 14:30 on 28 December and completed the repairs at 17:00. It is difficult to read the engineers’ repair report. It appears to read as follows:

“PTZ no. 3 behind H6 had no picture. Found auto iris was open wide. Closed iris working ok now... cameras had no pictures. This due to a faulty power supply.”

3.168 The engineers’ signatures are as well difficult to decipher.

3.169 The work is acknowledged by Prison Officer R on 30 December 1997. His report stated the problem as: “PTZ no.3 in behind H3 had a poor picture...” While the report refers to H3, the surrounding context suggests that Prison Officer R intended to refer to the camera in H6. Indeed, it would appear that he may have been mistaken both with regard to the location of the camera and the nature of the problem. It should be noted that this is the first reference to a “poor“ picture contrasted with the first report of “no” picture. I am inclined to think that the report of “no” picture is the accurate version. If this had been even a poor picture I am sure it would have been provided to the police investigating the murder. If there was a poor picture and it was not made available, then this is something a public inquiry would have to consider.

3.170 There is one other matter that is of concern. In a memo from NIPS HQ Staff A PEM to NIPS HQ Staff C OMD, the following appears:

“Please find attached copies of call-out sheet and service report for defective CCTV camera overlooking H6 during December 1997. PEM have no record of defect being reported. It should be noted that DOE Construction Service was responsible for defects to PTZ (overview) cameras during this period.”

3.171 I am not certain what to take from this document. Does it imply that only DOE Construction would have a record of the defect being reported? If that is so, then why did the PEM crew arrive on the 28th to correct the defect? These documents raise questions that a public inquiry might well wish to explore. For example, when was the defect first noted and first reported for repairing? What was the usual standard for completing and reporting on repairs to cameras which were clearly considered by prison authorities to be an important security measure, particularly for H6?

3.172 Unfortunately there is no indication who wrote this comment. In light of the recorded opinion of prison officials as to the importance of the observation cameras this comment is extremely worrisome. Questions have to be considered as to how long the cameras were down, what if anything was done to notify the authorities that they were not working, and what steps were taken to repair them?

#### **D. Prisoners’ possession of firearms**

3.173 The vexing question remains: how did the prisoners obtain the firearms that they used in the assault on Billy Wright? This is particularly troubling since McWilliams and Kennaway also had access to weapons in Maghaberry. They had made it known that their intention at that time was to murder Billy Wright and further, that it was their intention to acquire firearms again. I would have thought that some extra precautions might have been taken to at least make it more difficult for those two prisoners to obtain firearms in the Maze. The inability of the prison officers to carry out adequate searches at the Maze probably accounts for the ability of McWilliams and Kennaway to obtain and secrete weapons in their wings in H6. In any event the fact remains that it appears to have been relatively easy for McWilliams and Kennaway to obtain firearms in whatever penal institution they were located.

- 3.174 Questions as to how the firearms were obtained have never been satisfactorily answered. McWilliams and Kennaway must have been aided by an outside party or parties who took part in the smuggling of the weapons into the institution. In his Report on the Maze, Martin Narey commented on the laxity of the searches of visitors and guards when they entered the prison.<sup>14</sup>
- 3.175 This may be significant when one considers that a Christmas party for PIRA prisoners was held just a few weeks before the murder. As well it must be noted that a number of intelligence reports suggested that the weapons were smuggled into the prison and given to INLA by prison officers.<sup>15</sup> These reports provide little detail and it is impossible to assess their reliability. The mere fact that McWilliams and Kennaway managed to obtain firearms while they were in the Maze raises serious questions. This is an issue that a public inquiry might wish to explore.

#### **E. The hole in the fence**

- 3.176 Sometime before the murder a hole had been cut in the security fence. The hole was approximately two feet across the top and bottom and some 27 inches in height. It was through this hole in the fence that the INLA prisoners gained access to the roof of H Block 6. It had been cut by wire cutters with handles made from the legs of metal chairs that were located outside the computer room in A & B wings of Block 6. The question naturally arises: could the work of cutting the fence and then the hole in the fence have been observed either by cameras or by the guard in the observation tower?
- 3.177 It must be remembered that there were no longer any patrols or inspections of the exercise yards. If they were undertaken, they were rare, infrequent and superficial. Just as the PIRA forces could happily dispose of waste soil from a tunnel in empty cells in their H Block so too could INLA prisoners act with impunity in the cutting of the fence. They had cleverly placed chairs against the fence around the hole. When

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<sup>14</sup> The Deputy Private Secretary's minute of 2 July to NIPS HQ Staff D

<sup>15</sup> A local security meeting held on October 12, 1998 referred to the discovery of a number of illicit items in UVF wings and observed "it would appear that there is some degree of staff collusion with Loyalist elements, primarily the UVF". This post-dates Billy Wright's murder by many months, but it does indicate that prison officials considered the possibility that prison staff might become involved in providing contraband to inmates. It may be significant that the POA at a meeting with the Minister of State on 1 July 1997 said that due to shortages of staff they were unable to search vehicles entering the prison on the Saturday, Sunday or Monday.

the cutting was complete they held the wire in place with shoelaces. It would thus have been very difficult and probably impossible for the prison officers stationed in the observation towers to see the actual hole in the fence. There is no doubt they could, during daylight hours, have seen the activity of prisoners around the area of the hole, although it is unlikely that they would have been able to observe anything more than that. Similarly, the camera might have revealed the prisoners' activity but it is unlikely that it would have revealed the hole in the fence.

3.178 The prisoners' ability to cut the hole in the fence probably results more from the general lack of control of prisoners, their cells and their exercise area throughout the Maze than any lack of diligence on the part of the officer on duty in the observation tower or the prison officers in the ECR. The excavation of the tunnel by PIRA demonstrated that prison guards were effectively excluded from the prisoners' cells and their exercise areas. In light of the lack of control it cannot come as a surprise that the hole in the fence was cut, tied in place with shoelaces and concealed with chairs by the prisoners without arousing any suspicions at all.

3.179 The line of vision from the observation tower to the area immediately above the hole cut in the fence was obstructed by several chain link fences. One of the guards speculated that it was quite likely that the cutting had been done when the tower was not occupied by a prison officer. There is no doubt that by cutting the hole in the fence the prisoners were able to accelerate their access to the roof of the H Block and, from there, gain access to the forecourt where the vans were waiting to take the prisoners to their visits.

#### **F. The position of the vans**

3.180 In isolation, the position of the vans which came into the forecourt to take prisoners to their visitors may not seem significant. However when it is considered together with the other incidents that took place on the morning of 27 December it may assume greater importance. Some of the LVF prisoners stated that the usual procedure was that the vehicle designated to pick up the LVF prisoners would come into the forecourt and back into position at the exit door on the side of the forecourt which was closer to the LVF wings. Similarly the vehicle designated for the INLA prisoners

would come into the forecourt and back into a position that was closer to the INLA wing. On the morning of the 27th the positions of the vans were reversed. On the other hand Prison Officer U stated at the Coroner's Inquest that it was a common occurrence for the vans to change their positions. Certainly the guards did not think that this constituted a significant change.

3.181 However, it mattered to the prisoners. It meant that the LVF prisoners had to walk a little further to reach their van, closer to the INLA wing, where they were more vulnerable to attack. There is no doubt, that in the minds of the LVF prisoners, the position of the vans was different from what they usually saw and it increased their exposure to danger. It might be thought by a neutral observer that the difference was so minimal that it should not be taken into account. Yet, this was one of several irregularities that, considered together with the other incidents, might take on an added significance. On hearing the evidence of witnesses a public inquiry might conclude that it was part of the plan put in place to murder Billy Wright. If the prison officers and governors were involved in the positioning of the vans it could be found to be a collusive act aimed at assisting the murderers. On the other hand it may be found to be of no consequence. Since I have concluded that a public inquiry should be held for other reasons, this issue should be left for those conducting it.

## **Did the actions of state authorities constitute collusion?**

### **A. Definition of collusion**

3.182 At the outset it is essential to state the definition of collusion that applies in assessing the actions of state authorities.

3.183 The term collusion was defined for the purposes of the Inquiry into the murder of Patrick Finucane. For the purposes of the Hamill case, this definition was modified slightly to meet the unique circumstances of the case.

3.184 The definition in this case will be essentially the same. However some slight modification is required in order to apply it to the particular circumstances of this case.

3.185 The applicable definition is as follows:

How should collusion be defined? Synonyms that are frequently given for the verb to collude include: to conspire; to connive; to collaborate; to plot; and to scheme;

The verb connive is defined as to deliberately ignore; to overlook, to disregard; to pass over; to take no notice of; to turn a blind eye; to wink; to excuse; to condone; to look the other way; to let something ride; see for example the Oxford Compact Thesaurus Second Edition 2001.

Similarly the Webster dictionary defines the verb collude in this way: to connive with another: conspire, plot.

3.186 It defines the verb connive:

1. to pretend ignorance or unawareness of something one ought morally, or officially or legally to oppose;

to fail to take action against a known wrongdoing or misbehaviour – usually used with connive at the violation of a law.

2. (a) to be indulgent, tolerant or secretly in favour or sympathy;
- (b) wink at youthful follies;
- (c) to cooperate secretly: to have a secret understanding.

3.187 In the narrower context how should collusion be defined for the purposes of the Billy Wright case? At the outset it should be recognised that members of the public must have confidence in the actions of Government agencies, including those of the prison services. There cannot be public confidence in a Government agency that is guilty of collusion or connivance in serious crimes. Because of the necessity for public confidence in Government agencies the definition of collusion must be reasonably broad when it is applied to their actions. This is to say that prison services must not act collusively by ignoring or turning a blind eye to the wrongful acts of their officers or of their servants or agents. Nor can the prison services act collusively by supplying information to assist those committing wrongful acts or by encouraging them to commit wrongful acts. Nor can any Governmental agency act collusively by failing to supply to prisons services reasonably reliable information they have received which indicates that a dangerous situation has, or is likely to arise within a prison. Any lesser definition would have the effect of condoning, or even encouraging, state involvement in crimes, thereby shattering all public confidence in important Government agencies.

3.188 This case will turn primarily on the response to these questions. First, and most importantly, did the Northern Ireland Prison Service turn a blind eye to the very dangerous situation they knew or ought to have known would arise from billeting the INLA and LVF prisoners in the same H Block in the Maze? Similarly, did another Governmental agency fail to advise or supply to the Prison Service information they had received and considered reasonably reliable which indicated that a dangerous situation had arisen or was arising in the prison?

3.189 In determining whether there are indications of state collusion in the murder of Billy Wright, it is important to look at the issue from two perspectives. First, it must be seen whether the documents indicate that the action or inaction of the prison

authorities might have directly contributed to the killing of Billy Wright or hindered the investigation of his murder or perverted the course of justice. In addition it is necessary to examine collusive acts which may have indirectly contributed to his killing by INLA prisoners on 27 December 1997 or frustrated the investigation of his death. In this regard it is necessary to examine collusive acts which may have indirectly contributed to the killing by generally facilitating or encouraging or turning a blind eye to the actions or behaviour of the INLA prisoners. That is, the evidence may reveal a pattern of behaviour by a Government agency that comes within the definition of collusion. This evidence may add to and form part of the cumulative effect which emerges from a reading of the documents. Both perspectives will be considered in determining whether the evidence indicates that there have been acts of collusion.

## **B. The actions of state authorities**

3.190 It is now necessary to consider whether the actions or lack of action by the state amounted to collusion. This summary will, by necessity, be somewhat repetitious of earlier portions of the Report. Moreover, as with all summaries, it will suffer from its compression. This section must not be read in isolation but rather, can only be properly understood when read in conjunction with the Report as a whole. I have referred globally to the actions of state authorities, though it is clear that the primary state actors are those individuals working with and for the Northern Ireland Prison Service. Other agencies may be involved to a lesser extent in acts that could be found to be collusive. For example, if an intelligence gathering agency received information from a reliable agent or informer which indicated that violence and murder were planned at the Maze, and did not share that information with prison authorities, then that might be considered a collusive act. In those circumstances, it could be found that the intelligence agency turned a blind eye to a dangerous situation by failing to notify the prison authorities.

3.191 It is now appropriate to review the actions of the Prison Service and, if appropriate, other state authorities under a series of headings. In each instance, it will be necessary to consider what the Prison Service or, where appropriate, the Government

intelligence agency knew or clearly ought to have known at the time they acted or failed to act.

**i. The transfer of Billy Wright from Maghaberry to the Maze Prison, specifically H Block 6**

3.192 The transfer of Billy Wright to HMP Maze, and more specifically, H Block 6, is the most significant act taken by the state authorities. The decision to place INLA and the LVF in the same H block greatly increased the risk of prisoner violence. Moreover, the housing of Billy Wright in H Block 6 placed him in an extremely dangerous position. He became a vulnerable target, readily accessible to those who wished to kill him.

3.193 It might be said by some that Billy Wright was primarily responsible for his own death. After all, he sought accommodation where he and the LVF prisoners could be together. He pointed out that he was suffering Rule 32 segregation punishment, not for anything he had done, but because of death threats he had received. He threatened to go on a hunger strike if the prison authorities did not comply with his requests. It is against this background that his request for a transfer has to be considered.

3.194 It was in the Maze that various factions had been segregated and kept together as a unit. As a result, it was natural for prison authorities to think of the Maze as the best institution for the LVF and Billy Wright. For example, PIRA was in a Maze H Block as was the UVF. It is certainly true that Billy Wright, like the LVF, had many enemies. Yet, it is significant that the prison authorities had some information to indicate that the UDA prisoners “had no real problem with Wright”.

3.195 Let us assume that the Maze was the appropriate institution to house Billy Wright and the LVF. The question remains: why was the decision made to house the INLA and the LVF in the same H Block with all the clear and obvious risks of violence, death and danger that such an arrangement entailed? In any event, in the correct sense of the word, the dreadful decision was made.

3.196 It is now necessary to review what the Prison Authorities knew and what they should have known at the time the decision was made to transfer Billy Wright and the LVF prisoners to the same H Block that McWilliams, Kennaway, Glennon were soon to occupy in the INLA quarters.

**ii. What did the prison authorities know and what should they have done at the time of Billy Wright's transfer to the Maze**

- 3.197
1. They were aware that Billy Wright was a leader of the LVF faction.
  2. They were aware of the intense hostility that existed between INLA and the LVF.
  3. They knew that neither INLA nor LVF had agreed to a ceasefire; nor did they appear to be favourable to a peace accord.
  4. They were aware of both the continually deteriorating security and the lack of control of the prisoners within the Maze prison.
    - a. They were aware of the tunnelling attempt and that the storage of large amounts of waste material in vacant cells by PIRA went undetected.
    - b. They were aware that there was no longer any patrolling or searching in the exercise wings housing the prisoners
    - c. They were aware that, for a number of years, there had been talk of removing officers from the circle because they were at risk and because of the difficulty of controlling prisoners' security.
    - d. They were aware of the long-standing complaints (at least since 1995) over the lack of security on the roofs. They knew of the ease with which prisoners had obtained, and could obtain, access to the roofs. They were aware that no steps had been taken to increase roof security.

- e. They knew that there were other facilities available for the LVF in other H Blocks even if those facilities may have needed refurbishing.

3.198 These general factors, taken alone, would appear to indicate the significant dangers that would arise from the placement of INLA and the LVF in the same H Block. Yet, prison authorities were also in possession of more specific information which some might think should have heightened the level of concern. For example:

- 5. They were aware that Billy Wright had been the target of a murder attempt in the hostage taking incident carried out by McWilliams and Kennaway in Maghaberry prison in the Spring of 1997.
- 6. They were aware that McWilliams and Kennaway were to be transferred to the Maze and that these 2 prisoners would be placed in the wing housing the INLA faction in H Block 6.
- 7. They therefore knew that they would be putting Billy Wright close to those who they knew had attempted to kill him and who they knew had expressed a continuing intention to kill him.
- 8. They were aware of the prison officers' concerns about housing the LVF in the same block as INLA. They were also aware that the Prison Officers' Association was concerned about any move of that sort in the absence of the expenditure of further funds to increase security.
- 9. They were aware that INLA members had petitioned against the return of the LVF to H Block 6 following the summer disturbance and of INLA's assertion that it would take the necessary steps to protect itself.
- 10. They were aware that INLA had begun moving stereo equipment out of their cells.

11. They were aware that INLA was reported to have said that they were planning “a spectacular”.
12. They knew that, on 6 October 1997, the Governor of Security at the Maze had expressed his concern with regard to the potential for a violent INLA attack.
13. They had been made aware by experienced prison officers of specific concerns about the safety of LVF prisoners and of direct threats made by INLA against Billy Wright. The meeting of 24 October 1997 specifically brought these matters to the Governors’ attention.
14. Prison authorities may have been aware of other intelligence material obtained by state security forces that confirmed INLA’s intention to kill Billy Wright if he was placed back in H Block 6.

3.199 In summary, prison authorities were aware of both the lack of control and the serious security problems in the Maze. In particular, they knew of the ease with which prisoners could gain access to the roofs of the H Blocks. They were aware of the fierce hostility that existed between INLA and the LVF. They were aware of INLA threats to kill Billy Wright. They were aware of the fact that McWilliams and Kennaway had planned to kill Billy Wright in Maghaberry prison. Despite this knowledge, they placed INLA prisoners and the LVF, including Billy Wright, in the same H Block.

3.200 In light of that knowledge, a public inquiry might well conclude that prison authorities turned a blind eye to the very real and imminent dangers that they knew or should have known would arise from a transfer of Billy Wright and LVF prisoners to the same H Block occupied by INLA prisoners. In light of their knowledge the transfer of Billy Wright could be found to be a wrongful act that was capable of constituting collusion.

3.201 No doubt the reason given for this decision by prison authorities will be that no other facilities were available. Yet when they rioted, LVF prisoners were placed in H3. They remained there for several weeks and did not complain of their facilities.

Further, within hours after the murder of Billy Wright all the INLA prisoners were quickly moved to another H Block.

3.202 It might alternatively be stated by prison authorities that the LVF were integrated into the INLA Block due to staff shortages. This was the rationale put forward during a Board of Visitors meeting on 10 September 1997. On that HQ Staff I responded to concerns by pointing out that since, January 1997, 40 staff posts had been dropped, and that “if the LVF were housed in H6, no further staff would be needed.” I find that explanation to be equally unconvincing. Not only were other H Blocks used and staffed during the time that LVF were confined in the Maze, it was always open to prison authorities to shift prisoners so that individual H Blocks were shared by more compatible groups. It is difficult to imagine a more hostile and dangerous environment for Billy Wright than an H Block occupied by members of INLA. Whatever the administrative or financial pressures placed upon the prison authorities, there clearly existed other, much safer options. These options were exercised on two occasions. First when the LVF prisoners were moved to another H Block after their destructive riot. Second when the INLA prisoners were moved to another H Block later in the day when Billy Wright was murdered.

3.203 Prison authorities have since acknowledged that they were naive to place the two warring factions in the same H block. Many would go much further and apply a harsher description to the decision. In one intelligence report, a member of a state security agency expressed the view that the Prison Authority would be “mad” to put the two factions in the same H Block.

3.204 I venture to say that, in most Common Law jurisdictions, the action would be considered to be at least negligent and would very likely constitute wilful negligence. This conclusion is reinforced by the statutory duty resting upon a prison authority to protect prisoners coming within its jurisdiction.

3.205 For my purposes the documents indicate that findings of collusion could be made based upon the prison authorities “turning a blind eye” to the real and imminent danger occasioned by placing Billy Wright in the same H Block as McWilliams, Kennaway, Glennon and the other INLA members. Suffice to say that the

circumstances of the transfer of Billy Wright to H Block 6 in the Maze are sufficient in and of themselves to warrant the holding of a public inquiry.

3.206 Whether the actions of the Prison Authorities constituted collusion within the meaning of the definition can only be determined at a public inquiry where findings of fact can be made after hearing the testimony of the witnesses and reviewing the documents.

3.207 With the need for a public inquiry established, there are other matters which that Inquiry might wish to explore and, for the public benefit, should explore.

**iii Incidents surrounding the murder itself**

**a. Standing down the guard in the observation tower**

3.208 There are a number of incidents surrounding the murder itself which give rise to serious concerns. First why was the guard in the observation tower overlooking A & B wings asked to stand down not once but twice? It may be that the lack of staff was such that visits could not be handled. Yet it was recognised by Governors and Prison Officers alike that it would be wrong to stand down this guard of all guards in light of the sensitive situation at H Block 6 and the enmity which existed between the two factions. Whether or not he was ordered to stand down is a matter that should be explored and can only be determined by findings of fact made in a public inquiry.

3.209 In the same vein it would be necessary to review and explore what difference it would have made had the guard remained on duty. On these points, I am faced with conflicting evidence. First, there is a conflict as to whether Governor J did, in fact, intend to stand down the observation towers in H Block 6. Secondly, there is a conflict as to whether standing down the watch tower was a significant factor in the successful execution of Billy Wright. The guard has stated his belief that the murder might have been avoided if he had been in the observation tower at the relevant time. On the other hand, the statements of the murderers suggest that they believe that they moved so quickly that it would not have made any difference. A public inquiry might wish to explore whether or not the knowledge that the guard was in his tower and would not be moved from that observation tower might have affected the actions of

the murderers. If the guard was instructed to stand down, that could be found to be a collusive act aimed at assisting the killers to shoot Billy Wright.

**b. The visitors' list**

3.210 It may well be that Prison Authorities simply made an unfortunate error in providing both visitors' lists to the A & B wings (INLA) and the C & D wings (LVF) in H Block 6. Yet there are aspects that should be explored. First, why would the Prison Authorities put forward a document at the Coroner's Inquest that they stated was the original visitors' list, yet was different from the list given to the LVF on 26 December 1997. They knew or ought to have known that the document produced at the Coroner's proceedings was not the original document. Further, when it was found that it could not have been the original document, the admissions were not made immediately but rather, came forward in stages. First, for example, the Prison Authorities said that although the LVF got a copy of the sheets with the visits to both sides that the INLA did not receive that sheet. It was only later that the Prison Authorities conceded that both factions received the list of all the prisoners in both sides of H Block 6 who were receiving visitors.

3.211 If this was simply an error, it was a grievous one which may have put Billy Wright's life in jeopardy. If Prison Authorities turned a blind eye to the manner in which visitors lists were distributed then this could constitute collusion. Clearly, the three man INLA death squad had to know when Billy Wright would be particularly vulnerable as a result of his separation from the bulk of the LVF prisoners. This condition was satisfied when he left to meet his visitors. Once the INLA faction were aware of the date when Billy Wright was to receive visitors they may have thought a murderous attack would be worth exploring even if they did not receive any further information about timing. They would have known from the shouting out of Billy Wright's name when he was leaving to see his visitors. On the other hand, it cannot be forgotten that there were three persons involved, they had to go through the hole in the fence, up the wall, across the roof and down the other side. As well before they made any move they had to pick up their weapons. The question may be asked whether they would remain in a constant state of alert with the loaded weapons and carrying slings constantly with them from early in the morning until 10 o'clock.

There was nothing in the documents that would indicate that any further information was given to INLA about the timing of the visit. However in light of the review that will have to be made with regard to the visitors' list, this may be an issue that will naturally follow from an inquiry into the handling of the visitors' list.

- 3.212 If the lists showing that Billy Wright was scheduled to see visitors were knowingly presented to INLA that could be found to be a collusive act assisting the killers to murder Billy Wright. Even if the Prison Authorities were aware that the lists went to both factions as a result of error and failed to take any steps to rectify the mistake, this could be seen as turning a blind eye to what they should have known would create a dangerous situation. This too could constitute a collusive act.

**c. Malfunction of the A/B wing camera**

- 3.213 The camera that focused on A & B wings and their exercise yard was out of order for at least five days prior to the murder. There is, as well, one document which indicates that it might have been malfunctioning for as long as three weeks before the murder. The documents raise questions that will have to be explored. The prison authorities recognized the importance of this camera. Indeed, they thought the camera might replace the two guards in the observation towers. Findings of fact will have to be made based on the testimony of witnesses to determine whether this was simply an unfortunate mechanical failure, negligence in the operations and maintenance of the camera, or the turning of a blind eye to a malfunctioning camera that was known to be very important to surveillance and to have been out of commission for some time. It must have been known to the prison authorities that the malfunctioning of a camera could create a dangerous situation for the guards and prisoners. This would be particularly true for prisoners in H Block 6. In those circumstances, to turn a blind eye to the need to properly maintain and repair the surveillance cameras could be found to constitute a collusive act. Once again this could only be determined at a public inquiry.

**d. Guns in the possession of prisoners**

3.214 HMP Maze was a difficult Prison to run. It was extremely dangerous both for Prison Officers and their families and for the prisoners. There was a statutory duty resting upon the Prison Authorities to assume responsibility to take reasonable steps to protect the prisoners and provide for their safety.

3.215 McWilliams and Kennaway had earlier planned to kill Billy Wright. When they, like Billy Wright, were transferred to the Maze, then the Prison Authorities were under a duty to take all reasonable steps to prevent them from again obtaining firearms. This is particularly true both in light of their proven ability to obtain weapons in penal institutions, and the transfer of Billy Wright to the same H Block. These killers had already attempted to murder Billy Wright and it could be expected, in light of their threats, that they would continue with their murderous mission. Both the murderers and their target were well known to the Prison Authorities.

3.216 The facility and proclivity of McWilliams and Kennaway for obtaining firearms was well known. Whether the failure to check and impede the ability to receive firearms in HMP Maze amounted to negligence, or whether it constituted turning a blind eye to a foreseeable danger, can only be determined in a public inquiry.

**e. The position of the visitors vans**

3.217 The position of the visitors' vans on the morning of the murder may have been a common occurrence or pure coincidence. On the other hand it may have been the result of a plan. It may be that the reversal of the vans was of no consequence. However, it may well have taken a little more time for prisoners from the LVF wing to reach their van once it was parked next to the INLA blocks. If the timing for the murderers was very tight, then the longer it took to get the LVF prisoners into the van, the better it would be for the INLA group that sought to kill Billy Wright. This is something that a public inquiry might wish to explore and consider. The position of the vans, like other aspects of the murder should be taken into account in assessing whether the cumulative effect of the irregularities, from the delivery of visitors lists to the moment of the killing, amounts to collusive conduct.

**f. The cumulative effect of various matters**

3.218 One or two of the incidents that occurred on the day of the murder may, in themselves, have little significance. On the other hand when they are all considered together the resulting effect may be sufficient to take them out of the realm of coincidence and make them components of a plan to murder Billy Wright that was collusive in nature.

3.219 The incidents to be considered would include the following:

- a) The distribution of the visits lists of the prisoners to both the INLA and LVF factions.
- b) The standing down of the guard in the Observation Tower.
- c) The malfunction of the surveillance camera for at least five days and perhaps three weeks before the murder.
- d) The positioning of the vans in the forecourt.

3.220 There is, in my view, sufficient evidence of acts or omissions that could, after hearing the testimony of witnesses, coupled with a review of the relevant documents result in a finding that there had been acts of collusion by Prison Services, their directors, officers or employees.

**g. Other state actors**

3.221 Finally, there remains the question of whether state actors other than prison authorities engaged in collusive conduct that contributed to or facilitated the death of Billy Wright. Various intelligence agencies received information from reliable agents indicating that Billy Wright's life was in jeopardy. Some of these reports pertained directly to Billy Wright's safety in the Maze Prison, and the intention of INLA to murder him if he was transferred to H Block 6. At least one of these reports was passed on to the RUC by the Security Service. One would have thought that these reports, which pre-dated the murder, ought to have also been passed on to prison authorities so that they could take the necessary precautions to protect Billy Wright's

life and safety. They may well have been passed on. After all, at one point Sir John Wheeler opposed Billy Wright's transfer to the Maze on the basis of "security and intelligence" information that he had seen. If these threats were passed on, and were ignored by prison authorities, this would significantly heighten the collusive nature of the prison authorities' conduct. On the other hand, if these reports were not passed on, this would implicate police, army and intelligence agencies, particularly the RUC, who had primary responsibility to act upon reliable intelligence reports they received. Failure to warn the appropriate officials could be found to be collusive. On the basis of the documents I have seen, I cannot draw any conclusions as to whether or not prison authorities were made aware of the reported threats. This is a question that could only be explored at a public inquiry.

## Summary of conclusions

3.222 My review of the relevant documents has led me to conclude that there must be a public inquiry. Taken together they have satisfied me that there is sufficient evidence of collusive acts by prison authorities to warrant the holding of a public inquiry.

3.223 These collusive acts could be found as occurring in the following incidents:

- i. First and foremost: The transfer of Billy Wright together with other LVF prisoners to C & D wings of H Block 6 at a time when INLA prisoners, including McWilliams and Kennaway were to be housed in A & B wings of the same H Block 6. This act must be considered in light of the lack of control and security in the Maze, particularly the ease of access to the roof, and the violent nature of these rival factions. This action in and of itself, is sufficient evidence of collusion to warrant the holding of a public inquiry.
- ii. The apparent turning of a blind eye to the warnings of officers regarding dangers of housing INLA and LVF factions in the same H Block.
- iii. The threats from INLA to murder Billy Wright.
- iv. The failure to take any steps to protect Billy Wright, either by moving the LVF or by improving security in H Block 6.
- v. The possession of firearms by McWilliams and Kennaway while they were located in H Block 6 after it was known that they had obtained firearms in Maghaberry with a view to killing Billy Wright.
- vi. The circulation of the lists of visits for both the INLA and LVF prisoners on the 27 December 1997.
- vii. The standing down of the guard for the Observation Tower overlooking A and B wings.

- viii. The failure to have repaired or replaced the important but malfunctioning camera overlooking A and B wings.
- ix. The positioning of the van in the forecourt of H6 on the morning of the murder.
- x. The cumulative effect of incidents vi through ix inclusive.

## **The basic requirements for a public inquiry**

3.224 When I speak of a public inquiry, I take that term to encompass certain essential characteristics. They would include the following:

An independent commissioner or panel of commissioners.

The tribunal should have full power to subpoena witnesses and documents together with all the powers usually exercised by a commissioner in a public inquiry.

The tribunal should select its own counsel who should have all the powers usually associated with counsel appointed to act for a commission or tribunal of public inquiry.

The tribunal should also be empowered to engage investigators who might be police officers or retired police officers to carry out such investigative or other tasks as may be deemed essential to the work of the tribunal.

The hearings, to the extent possible, should be held in public.

The findings and recommendations of the Commissioners should be in writing and made public.

## **The importance and necessity of holding a public inquiry in this case**

3.225 During the Weston Park negotiations, which were an integral part of the implementation of the Good Friday Accord, six cases were selected to be reviewed to determine whether a public inquiry should be held with regard to any of them.

3.226 This case, like that of Finucane, Hamill and Nelson was specifically selected as one of those to be reviewed to determine if there was collusion and if so to direct a public inquiry. In light of this provision in the original agreement the failure to hold such an inquiry as quickly as possible might be thought to be a denial of the original agreement, which appears to have been an important and integral part of the peace process. The failure to do so could be seen as a cynical breach of faith which could have unfortunate consequences for the Peace Accord.

3.227 Further, if as I have found, there is, in this case, evidence capable of constituting collusion then members of the community would undoubtedly like to see the issue resolved quickly. Indeed a speedy resolution is essential if the public confidence in the penal system, the police and the administration of justice is to be restored. In this case only a public inquiry will suffice. Without public scrutiny, doubts based solely on myth and suspicion will linger long, fester and spread their malignant infection throughout the Republic and the Northern Ireland Community. No further prosecutions appear to be contemplated. Therefore the public inquiry should proceed as soon as it is reasonably possible to do so.

3.228 Concerns may be raised regarding the costs and time involved in holding public inquiries. My response to that is threefold:

1. If public confidence is to be restored in public institutions then in some circumstances such as those presented in this case a public inquiry is the only means of achieving that goal.
2. The original agreement contemplated that a public inquiry would be held if the requisite conditions had been met. That there is evidence of collusion has been

established in this inquiry. Thus, in this case, the requisite condition has been met.

3. Time and costs can be reasonably controlled. For example, a maximum allowance could be set for counsel appearing for every party granted standing. That maximum amount should only be varied in extraordinary circumstances duly approved by a court on special application.

Counsel and the Commissioner or Commissioners should undertake to devote their full time to the inquiry until it is completed.

If the Commissioner found that the actions of a counsel were unnecessarily and improperly delaying the proceedings the costs of that delay could be assessed against that counsel or his/her client.

3.229 These are simply suggestions for controlling the unnecessary expenditure of public funds. Obviously there are many variations that could be played upon the important theme of cost reduction of public inquiries. If implemented, they could reduce the burden on the public purse and lead to greater harmony and fewer discordant notes in the inquiry process.

3.230 The Good Friday Accord and the Weston Park Agreement, which set out the selected cases as an integral part of the Accord, must have been taken by both Governments to be a significant step in the peace process. Six cases were chosen and the Agreement was negotiated and entered into on the basis that, if evidence which could constitute collusion was found, a public inquiry would be held. In those cases where such evidence has been found, the holding of a public inquiry as quickly as is reasonably possible is a small price to pay for a lasting peace.

3.231 At the time of the Accord, the parties would have had in mind a public inquiry as that term was known in 2001. Yet all reasonable people would agree that an inquiry should proceed as expeditiously and economically as possible. They are not designed, and should not be considered, as a means of enriching the legal profession. No

reasonable person could object to strictures being placed on the inquiry to ensure these goals. These strictures would benefit all.