**Alex Kane: Villiers part of grubby OTR deal**

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10 March 2014

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**On Friday the Secretary of State announced that the OTR scheme was over.**
Hmm, that’s not my reading of her speech. The status of the OTR letters remains precisely the same as it was last week. No one in possession of one of those letters will be ripping it up and putting it in the bin; nor will any of the almost 200 recipients be preparing to go on the run again. All that has changed is that the Secretary of State has said “no letters have been issued by the NIO since December 2012 and as far as this Government is concerned, the scheme is over”.
Yet the truth of the matter is that the present Government continued with the deal reached between Sinn Fein and Tony Blair. They knew about it and made no effort to inform Peter Robinson or any other party leader here. The Justice Minister, David [Ford](http://www.newsletter.co.uk/news/alex-kane-villiers-part-of-grubby-otr-deal-1-5925254), was deliberately kept in the dark.
Ms Villiers may say that no letters were issued after December 2012, but it is quite clear from her speech that she didn’t regard the OTR deal as finished at that point. The only reason she said what she said on Friday was that her hand had been forced by circumstance. Up until the Downey trial collapsed she was content to keep her mouth shut.
We still don’t know if Richard Haass knew anything about this arrangement. If he did, then he kept it from the other parties. So I’m inclined to the view that Sinn Fein and the Northern Ireland Office kept him in the dark, too.
Yet I see from her speech that Ms Villiers didn’t think it was necessary to apologise to him, even though she does “regret the fact that this Government did not discuss the OTR scheme with ministers in the Executive, particularly when we concluded in August 2012 that anyone wanting to raise new cases should direct them to the devolved authorities”.
By the way, there’s the confirmation that the NIO hadn’t ended the OTR deal in December 2012 – instead, it had been concluded that anyone wanting to raise new cases should take them directly to the devolved authorities. Who reached that conclusion? Who is the ‘we’ she refers to? To whom did she pass on that conclusion?
Why didn’t she think it was necessary to inform the First Minister and Justice Minister at that point? With whom did she reach what amounts to her own side deal on the OTRs? I only ask, because her speech contains no apology for her decision to keep her own secrets and do her own deals. In other words, she’s just as bad as Peter Hain when it comes to this nasty little bit of politics-on-the-side. Or maybe she was just minding the back of her predecessor, Owen Paterson, whom she [replaced](http://www.newsletter.co.uk/news/alex-kane-villiers-part-of-grubby-otr-deal-1-5925254) on September 4, 2012. He has been noticeably quiet about all of this!
The recipients of the OTR letters – along with Sinn Fein’s leadership – have made a calculated risk. They were aware of the caveat in the letter that they could still be arrested and questioned if any new evidence came to light: but they were clearly of the view that the likelihood of further investigation into their past activities was no longer a priority. Put bluntly, the fact that they had the letter in their possession was a fair indication that they no longer figured prominently in any ongoing or potential investigations. It was safe for them to come home and lead a ‘normal’ life, or else move in and around the United Kingdom as and when it suited them.
She ended her passage on OTRs with the point that “we need to see an end to the era of secret side deals and evasive parliamentary answers that too often characterised the handling of the political process here and undermined confidence in it”. Some hope!
An awful lot of what she said during Friday’s speech struck me as pretty evasive. Indeed parts of it reminded me of the classic exchange in Yes Minister: “Humphrey, I’ve read this but I’ve no idea what any of it means.” “Thank you, Minister, praise indeed.”
She, Owen Paterson and David Cameron were aware of the OTR deal when the Conservatives came to office in 2010. They didn’t bother telling anyone else. And they didn’t seek to end it in August 2012 (when it had clearly been discussed at a very high level) – choosing, instead, to pass it on to the ‘devolved authorities’. Strangely, having concluded that they should pass it on, they didn’t bother informing the key figures in those ‘devolved authorities’.
So, Secretary of State, have we any assurances that you and the present Government will put in the public domain any other secret or side deals of which you are aware?
You did a pretty good job on Friday of blaming everybody else since 2000, but you weren’t so good at admitting that you were aware of most of the details of the OTR deal. If the Downey case hadn’t broken would you have made that speech on Friday?
Would you have put Robinson and [Ford](http://www.newsletter.co.uk/news/alex-kane-villiers-part-of-grubby-otr-deal-1-5925254) (and other leaders) in the loop? Would you have even mentioned the OTR deal and moved to end it? Of course you wouldn’t.
Your speech on Friday had one purpose and one purpose only – to make the best of a bad job and sweep as much of the blame as possible from the NIO and Number 10.
All of which makes a mockery of your claim to be “very, very sorry that what’s happened in recent days will have revived painful memories for many victims, putting them through the agony of loss all over again”. Don’t add insult to their continuing injury by trying to distance yourself from all of this. You knew about the OTR deal.
You knew about the letters. You chose not to tell Peter Robinson, David Ford, Mike Nesbitt, Alasdair McDonnell and Richard Haass. You chose not to tell the many victims’ groups you have met since September 2012. You, Secretary of State, were part and parcel of the OTR side deal. Have the moral courage to admit it.

**Unfair criticism of party leaders**

News Letter letter

10 March 2014

Alex Kane (March 3) complains in his column that both DUP and UUP leaders failed to answer the accusation their leaderships should have known about the OTR letters, one “levelled by Sinn Fein, Peter Hain, the journalist Brian Rowan and Basil McCrea (who was a UUP representative on the Policing Board at the time), among others”.
This is unfair given that no journalist, not least Brian Rowan, who accepts he was privy to confidential briefings from insiders, ever wrote up the fact of letters. Nor indeed did Basil McCrea when on the Policing Board.
I accept the PSNI, in the form of ACC Drew Harris, came tantalisingly close to revealing the key fact to the Board – that there was an administrative governmental process in operation – but it remained unknown to unionism until the Downey judgment.
Kane omits David Ford from the list. His own Permanent Secretary never told him the letters were still being processed within the Ministry of Justice (MOJ) after the devolution of policing. His denial gets accepted because there was a supposed civil service Chinese wall between Ford and the truth.
The fact the civil servant in question felt constrained by internal rules from advising the minister is to say the least odd.
He didn’t need to tell Ford of the background detail to the policy decisions but surely he should have advised him it was ongoing and asked him if he wanted it to continue, not least because his section of the NIO had been seamlessly switched into the MOJ?
How can any minister govern if a section of your staff are following a previous minister’s decisions without telling you?
I remain doubtful about the issuing of the Downey letter being a ‘catastrophic’ PSNI error and wonder if the police were not following the spirit of what was being asked of them – essentially a secret amnesty for OTRs and the finding of acceptable excuses to provide it.
The important question Peter Hain was not asked in his Sunday Sequence interview (March 2) was how he could justify an administrative arrangement after he had failed to legislate for one.
The fact is we know from an article in the News Letter by Sam McBride (March 3) that Hain failed to tell the truth. He was asked in a parliamentary question by Lady Hermon what proposals he had on the matter. His answer on May 1, 2007 was ‘none’. This was contempt of parliament.
It has to be said if Richard Haass had become aware of the effective amnesty/non-pursuit of OTRs, the talks process would have gone into meltdown.
As it is, Mike Nesbitt has rightly indicated the unagreed Haass draft 7 cannot be a basis for further five-party leader talks.
The past needs further review and assessment, this time with all facts known and legal opinions sought.
The parades issue could be decoupled but it must be remembered the Haass proposals never addressed the Ligoniel lodges returning home and the ongoing nightly marches, or the City Hall flag issue. Their initial resolution is central to progress.

Jeffrey Dudgeon
UUP Haass negotiator