Thank you for the introduction.

It is a huge privilege to address you in this iconic building that is a landmark in women's education and as the modern home to the Queen's Business School and the William J Clinton Leadership Institute.

It is also important to acknowledge the Committee for the Administration of Justice, established in 1981 and renowned for campaigning for high standards of justice, particularly in human rights and equality.

I researched some of those who have previously delivered this lecture, names that included Archbishop Desmond Tutu, President Mary Robinson, Clive Stafford Smith and Sir Nicolas Bratza (A former President of the Court of Human Rights), I feel suitably intimidated right now.

I can only apologise for being before you today when such luminaries have delivered this address previously.

This evening I want to focus entirely on a single concept - one that has shaped policing, national-security work, legacy investigations, and the experience of thousands of bereaved families in Northern Ireland.

That concept is Neither Confirm Nor Deny.

WHAT IS NCND?

Neither Confirm Nor Deny is a position used by Governments and security services when responding to questions about sensitive matters.

It means:

- No confirmation
- No denial
- No acknowledgement that the information requested is true, false, or even exists.

It is important that I set out my strong support of NCND. I think the need for secrecy in the context of tackling extremism, terrorism and serious and organised crime is beyond doubt and the rationale underpinning the NCND policy is perfectly sound.

It should be remembered that the PSNI has national security functions, including in relation to law enforcement elements of the Government's counter terrorism strategy, proscribed organisations, sabotage and subversion, espionage and state threats and threats to critical national infrastructure. I take each of these extremely seriously.

As a tool for ensuring secrecy at the interface between, on the one hand, those on the inside of Government and the security forces and, on the other, those on the outside, NCND is not only logical, it is a matter of common sense. Indeed, I have applied the policy in my career many times in order to protect sensitive information, including the identities of agents and methodologies used in covert policing.

To this end, NCND simply provides that those on the inside should generally give an evasive and non-committal response to assertions and questions about security and intelligence matters from those on the outside.

It is perhaps important that I set out my credentials in this covert policing and national security arena. I have been involved in covert policing since the early 1990s, leading covert operations on gun and drug crime involving undercover officers, informants having close liaison with then Scotland Yard Covert Operations Group (SO1O), and the National Criminal Intelligence Service (NCIS).

I led covert operations on the Regional (later National) Crime Squad and the Metropolitan Police Flying Squad, working against high threat organised crime groups utilising the full range of covert tactics including undercover officers, informants, interception, interference with property and surveillance.

I was a senior investigating officer on the Anti-Terrorist Branch working on war crimes, national and international terrorism, closely working with MI5, and in a command role for a number of national security operations that presented the highest threat to the UK, including being in charge of the covert operations room for the 7/7 London bombings and 21/7 manhunt.

I was the Detective Chief Superintendent in charge of all covert functions at the Counter Terrorism Command (SO15). During this period, I became responsible for the Special Demonstration Squad (SDS) where I identified outdated and disproportionate practices and took the decision to close down the unit and ceased its deployments.

I have similar views about the legitimacy of the work of the SDS, to the application of NCND in Northern Ireland.

As a chief officer I was the National Police lead for a number of key activities including Undercover Policing, Covert Policing (as the lead for RIPA) and for Technical (covert) Surveillance. I was also the National Coordinator for the ‘Pursue’ limb of the counter terrorism Contest Strategy and Senior Policing Advisor on national security and counter terrorism committee within the Office for Security and Counter Terrorism at the Home Office.

Perhaps I should start by examining the logic behind NCND which put simply is:

If confirming or denying something could expose sources, methods, operations or individuals, then remaining silent is considered safer.

Importantly everyone should understand:

- NCND is not a law.
- It is not an absolute rule.
- Courts have recognised its value, but also insist it must never be applied automatically or as a blanket policy.

Yet in Northern Ireland, especially around Troubles-related legacy cases, NCND has grown into something else—something rigid, cultural, often unexamined and certainly rarely challenged.

I want to explain how that happened, why it matters, and why I believe NCND must be used more proportionately, more intelligently, and with far greater transparency.

NCND IN NORTHERN IRELAND

NCND is not an abstract concept here—it has shaped investigations, inquests, disclosure decisions, and public trust for decades.

Perhaps the most prominent example is the case of the agent known as “Stakeknife”. For decades, the identity of Stakeknife - widely believed to be Freddie Scappaticci - was the subject of intense speculation, media reporting, and legal proceedings. Despite overwhelming public knowledge and credible allegations of involvement in serious criminality, including murder, the Government has steadfastly refused to confirm or deny Stakeknife’s identity.

The then Lord Chief Justice of Northern Ireland, Lord Carswell, considered the NCND policy in a judicial review brought by Mr Scappaticci to challenge the NIO’s refusal of his request that the department deny media allegations he was the agent Stakeknife.

The NIO minister with responsibility for security matters responded that it was Government policy not to comment on intelligence matters and that she could neither confirm nor deny the allegations. In dismissing the judicial review, the Lord Chief Justice referred to the evidence of the Permanent Secretary, Sir Joseph Pilling, and said the following:

> “*The reasons for adopting and adhering to the NCND policy appear from paragraph 3 of Sir Joseph Pilling’s affidavit. To state that a person is an agent would be likely to place him in immediate danger from terrorist organisations. To deny that he is an agent may in some cases endanger another person, who may be under suspicion from terrorists. Most significant, once the Government confirms in the case of one person that he is not an agent, a refusal to comment in the case of another person would then give rise to an immediate suspicion*

that the latter was in fact an agent, so possibly placing his life in grave danger... If the Government were to deny in all cases that persons named were agents, the denials would become meaningless and would carry no weight. Moreover, if agents became uneasy about the risk to themselves being increased through the effect of Government statements, their willingness to give information and the supply of intelligence vital to the war against terrorism could be gravely reduced. There is in my judgment substantial force in these propositions and they form powerful reasons for maintaining the strict NCND policy". (End Quote)

Numerous other judgments have recognised the public interest in the confidentiality and protection of agent identities and the logic and importance of the NCND policy as a means of ensuring those objectives. These judgments generally stress that NCND is **not a legal rule or principle, does not bind the courts, is not absolute and should not be applied on a blanket basis**.

Indeed, in the *Scappaticci* case, Sir Joseph Pilling and the Lord Chief Justice both made express reference to the fact that departures from the policy may be appropriate and necessary in exceptional circumstances.

A Cabinet Office 'Guidance Note on The NCND Principle - its use, importance and effectiveness' dated October 2017 makes the same point. This describes NCND as "*a mechanism used to protect sensitive information*" which "*applies where secrecy is necessary in the public interest and where this mechanism avoids the risks of damage that a confirmation or denial would create*" and it refers to the scope for departures.

In my view, the problem with NCND, and there is a problem, relates not to its underlying theory, but to its interpretation and application in practice in Northern Ireland. For some in Government and the security forces, NCND seems to have assumed a totemic status and to have become an implacable dogma or mantra with the qualities of a high stone wall.

NCND appears to posit a binary choice between two options and then provides that neither is acceptable. This may have the virtue of simplicity, but it does not adequately signal the scope for exceptions or allow for the flexibility that the public interest requires.

Furthermore, the policy itself assumes lawful conduct on the part of the security forces. This is easy to understand given that this is generally a safe and correct assumption, but it does not allow for the possibility that aberrations may occur and may need independent external testing and verification.

The Kenova findings and other legacy investigations have proven that significant law enforcement failures on occasions did occur. The considerable efforts of Lord Stevens, Judge Cory, Sir Desmond De Silva and John Stalker, also show this to be the case and these reports and the Kenova learning should be at the forefront of shaping Government thinking both on legacy and NCND.

However, it seems that successive Governments choose to listen to those that have traditionally adopted a position of intransigence that has driven deep division and mistrust in society by entrenching what legacy families and many commentators judge to be the state covering up wrongdoing.

In Northern Ireland, NCND is too often applied in a rigid and blanket fashion and without consideration of or consultation about the need for exceptions.

The title of the earlier mentioned Cabinet Office guidance note mis-describes the NCND policy as a "*principle*" and its text stresses the importance of its consistent application but then includes the following, "*If the Government were forced to depart from the NCND principle in one case, it would create a clear risk of serious harm to essential UK national security interests. It could, furthermore, potentially put lives at risk*".

This is manifestly wrong and inconsistent with paragraphs 12-15 of the same document which deals with "*Exceptions to the principle*" and including it in such an important document is bound to cause confusion. In my view, the guidance should make clear that 'consistency' of application requires a fair, principled and predictable approach which avoids arbitrariness and treats like cases alike, not one which admits of only one outcome.

The policy is also wrongly understood to apply to every interaction between those on the inside of Government and the security forces and those on the outside, and it should not be applied in connection with disclosures to suitably vetted and secure investigatory and oversight bodies.

It is evident that within Northern Ireland its wrongful application within the security forces has led to those who should have been subjected to a criminal justice processes being able to evade and escape accountability. This is a failing that has continued long past the Troubles and is something that I continue to wrestle with today.

The policy works against a staged process or the partial disclosure of 'gisted', redacted or anonymised information in a way that maximises disclosure in the public interest while also protecting national security.

For the avoidance of doubt, I would never advocate a departure from NCND or the public identification of a state agent if this would put an individual at risk of serious or life threatening harm or genuinely imperil our national security. However, a departure from NCND in some of the Kenova cases would have no such effects and can be readily justified. This is certainly the position with the agent Stakeknife.

Furthermore, I think there are a number of reasons why NCND can and should be applied in a more flexible and nuanced way, particularly in the context of Northern Ireland legacy investigations.

Part of the rationale and justification for NCND is the premise that confirmation or denial of agent status in one case would be inconsistent with assurances of lifelong anonymity, secrecy and protection given in other cases and so deter the recruitment and retention of agents, disrupt the supply of secret intelligence and damage national security. I accept this as a general proposition and am well aware that actual and potential agents can be vulnerable and isolated and have fragile and chaotic backgrounds meaning that they can be easily rattled and made to feel unsafe, whether or not their fears are rational or objectively justified. I have dealt with many agents who have presented numerous challenges.

That said, and as I have already mentioned, no agent can lawfully be given an absolute assurance of anonymity and secrecy "come what may" or told that their cooperation carries no risk. Any such concrete position is of itself incredibly worrying and naive knowing the unpredictability and criminal behaviour of some agents.

On the contrary, proper handling and management mandates that agents are warned not to exceed their tasking, or commit crimes without authorisation or act as agent provocateurs and that doing so may have consequences. MI5 made representations to me that a "*promise*" of "*secrecy forever*" is crucial to its agent operations and the performance of its statutory functions. For my part, I do not think "*secrecy forever*" could ever be guaranteed and think it would be wrong for the security forces to recruit an agent - thereby putting them at risk - on the basis of false and unrealistic promises.

Northern Ireland legacy cases pre-date the peace process, the end of the Troubles and the entry into force of RIPA provisions governing the authorisation and use of covert human intelligence sources (CHIS) and the oversight of the Investigatory Powers Commissioner and Tribunal. These provisions have even more recently been amended by the Covert Human Intelligence Sources (Criminal Conduct) Act 2021 on the authorisation of criminality. More generally, the social and legal landscape has changed and the security forces have been reformed. As a result, the public interest equation has inevitably shifted and a relaxation of NCND is likely to be justified in a number of these cases, particularly in connection with alleged agents who have died or been relocated or who are the subject of allegations or findings of very serious criminality.

Northern Ireland's policing landscape is unique. The PSNI and, before it, the RUC held major national security responsibilities. MI5 assumed lead responsibility for national security matters in October 2007, but PSNI still runs most national-security CHIS under Annex E of the St Andrews Agreement.

I have said before that the security forces operated under exceptionally dangerous, stressful conditions and extreme time pressures. They were sometimes presented with impossible decisions that had no 'right answer' because protecting one individual would expose another. Mistakes were made and this was inevitable.

However, a lack of regulation, oversight and leadership were also important factors. These combined with the development of a situation where intelligence and investigatory functions were seen as separate and the security forces repeatedly withheld and failed to act on information about threats to life, abductions and murders. They did this in order to protect agents providing that information.

We should never forget the sacrifice of those in the security forces and the immense threat under which they and their families lived. Not a week goes by that I am not reminded of the murder of a police officer, soldier, prison officer or some other public servant. It was an environment that was unimaginably dangerous and complex.

Today, we operate under exceptionally intensive oversight arrangements and yet, when it comes to legacy cases, secrecy has dominated, not because secrecy is always necessary, but because NCND has become the default.

Over time, this has produced suspicion, conspiracy theories, and deep mistrust - not just toward Government, but toward policing itself.

This led me in the Interim Kenova report to set out a specific recommendation to review, codify and define the proper limits to the NCND policy as it relates to the identification of agents and its application in the context of Northern Ireland legacy cases pre-dating the Good Friday Agreement.

No substantive progress has been made on this recommendation. In response to correspondence with Sir Iain Livingstone from the Secretary of State, dated the 13th August 2025, it is unclear as to whether this will change. In that letter the Secretary of State wrote:

> "*NCND is an important protection in particular where disclosure of information might otherwise cause damage to national security through the compromise of recruitment and retention of CHIS, but it also covers a broad range of other sensitive national security activities. You will be aware that the Government has appealed the Thompson judgement to the Supreme Court and judgment is expected imminently. We would expect the judgment to provide some clarity on the use of NCND and the role of the courts. Specifically on the issue of past reports, these are owned by many different bodies, including the UK Government and the PSNI. The Government already follows a procedure for the declassification of historic material via the Public Records Act*."

LEADERSHIP IN NCND AND LEGACY ISSUES

When undertaking the Kenova investigations, I had the privilege to meet and interview a number of senior leaders from the Troubles. An impressive former Secretary of State for Northern Ireland described to me how having been appointed to the role he was visited by Whitehall lawyers regarding a matter of national security.

The meeting resulted in him feeling somewhat overawed with a sense of having to go along with what they had said as this was a matter of national security, of which he had no experience, and his visitors were particularly persuasive.

I am reminded of the late JF Kennedy's memoirs regarding the 1961 Bay of Pigs invasion – "*the advice of the military and intelligence people was so unanimous that I went along*".

President Kennedy commented more broadly that he had underestimated how forcefully the national security apparatus would push its preferred policies.

The criticisms of the security forces by many respected voices investigating legacy in Northern Ireland today and indeed historically, are simply not heard over the perceived conventional wisdom of those that have been criticised by such investigations.

Those that advise Government on these issues are from the very organisations who devised and applied the model of secrecy that has been the root cause of so many frustrations.

Previous legacy investigations discovered the same information-sharing and agent issues relating to NCND that have been uncovered in the Kenova investigations. The recommendations from these previous legacy reports were not addressed and many of them remain classified and their findings hidden from public view. The failure to address legacy recommendations has undoubtedly had grave consequences for agents and those suspected of being agents. Such secrecy prevents trust being built between the authorities and the communities they serve. This mistrust continues to this day, reports that remain classified should be reviewed and their classification lowered to allow as much information as possible to be placed in the public domain.

In advance of my evidence to NIAC in September 2020, I telephoned a number of my predecessors who examined legacy issues to inform them that I was giving evidence and to ask if there was anything they might wish me to pass on to the Committee.

Lord Stevens, referring to the security forces said - "*I was misled deliberately, I was criminally obstructed from doing my job by the RUC and military, whilst MI5 failed to disclose information*".

Judge Pomerance, then Senior Counsel to Judge Cory said - "*We could not compel material being provided - others controlled what we received and when and how we received it and the conditions in which we received it. They (MI5) made the entire process uncomfortable. The state viewed itself as above the law*".

Mary Laverty, Senior Counsel to Judge Smithwick said - "*They (the security forces) made it incredibly hard - when will they decide they can reveal information?*"

David Cox, formerly Head of PSNI HET - "*They (PSNI Intelligence) always gave me a limited version of the truth - they invariably did not and will not give up information*".

Let me move on to discussing NCND in practice in Northern Ireland and the Kenova findings.

The Kenova investigations have provided unprecedented insight into the operation of NCND in legacy cases. Kenova's work has shown that:

- **NCND is often applied as a blanket, inflexible policy**, even in cases where the agent in question is deceased, widely identified in the public domain, or credibly accused of serious criminality.
- **The policy has, at times, been used to shield wrongdoing**, prevent the disclosure of information to victims' families, and frustrate the pursuit of justice. These cases involve murder.
- There are clear precedents for departing from NCND - for example, in the cases of Brian Nelson, Declan Casey, William Stobie, Kenneth Barrett, and Gary Haggarty, all of whom were officially identified as agents in the context of Troubles-related criminality.

Kenova's findings are unequivocal, while the protection of agents is vital, NCND cannot and must not be used as a shield for impunity or to deny victims and families the truth about what happened to their loved ones.

Successive Governments have often defended NCND using broad, outdated, and sometimes weak arguments. The approach to NCND in my judgement has been both morally and legally flawed.

It has led families to feel they are being misled or stonewalled.

NCND has become synonymous with "cover-up," even in cases where that wasn't the intention. This links to efforts to secure the trust and confidence particularly of the nationalist community with policing. It seems that not a week goes by without a story in the media about legacy and the failings of the PSNI/RUC.

Often these stories are routed in allegations of collusion that are impossible to rebut because of the absolute high stone wall that NCND has become.

Families have been left to piece together their own investigations and many have disturbing and upsetting accounts of not being provided even uncontroversial information.

The less information provided, the more space for speculation.

Secrecy - especially when automatic - feeds suspicion. When legacy reports remain heavily redacted or unpublished, communities blame the police.

In the Kenova cases it has been shown that the police investigating them on numerous occasions acted incredibly diligently.

In a number of cases, Kenova has set out the numerous actions of the investigators and those initially responding. These actions, the arrests made, the searches of properties and recovery and forensic examination of many exhibits, were unknown to the victims and their families.

The overriding policy of not providing information for security and safety reasons during the Troubles is one that I understand.

However, the post Troubles approach to not hand over information has impacted negatively on the confidence in policing. Due to the culture of not providing information and the blanket position of NCND being applied, most legacy families suspect collusion occurred in their case. This includes families from across the various victim backgrounds and profiles.

In extreme cases, a blanket NCND approach prevents examination of:

- investigative failures;
- potential state involvement in criminal acts;
- opportunities where lives might have been saved.

This is entirely contrary to democratic accountability and so the implications of NCND for accountability are profound. As I have alluded to the **failure to depart from NCND in exceptional cases has denied families the truth**, hindered the investigation and prosecution of serious crimes, and damaged public confidence in the police and the justice system.

Kenova found that, in many cases, vital intelligence was withheld from investigators and families, not because of genuine security concerns, but because of a culture of secrecy and risk aversion.

The refusal to confirm or deny whether Scappaticci was Stakeknife, even after his death serves neither the interests of justice nor the public interest.

Furthermore, it allows the Government to hide behind the NCND shield, refrain from any comment and thereby avoid accountability. In relation to Stakeknife, this extends not only to the operation and resettlement of the agent, but also to the fallout from the public allegations that he was Freddie Scappaticci.

These allegations led to: convictions for serious crimes being quashed; Scappaticci being resettled in England at great public expense; Scappaticci bringing applications for judicial review and an injunction on the basis he was not Stakeknife and was at risk of harm if discovered; and now after his death the sealing of his will.

None of these matters can be subject to proper public scrutiny and understanding while the identity of Stakeknife remains unconfirmed.

I question whether this decision protects agents and provides confidence that future agents are more likely to work for or remain working for the state or rather it is intended to protect Government and intelligence agencies from accountability that would follow the revelation of serious wrongdoing.

By way of example, I have already mentioned the judgment of Chief Justice Carswell in Scappaticci's first judicial review challenging the Government's refusal to deny that he was Stakeknife. This judgment is routinely relied on in support of the NCND policy, but Lord Carswell decided to hear the case after being secretly briefed as to the true position as regards the identity of Stakeknife. The full facts about this and the Government's explanation will never be known while it is able to hide behind the shield of NCND.

I believe the refusal to step aside from NCND is untenable and bordering on farce and as someone who has worked in this covert arena for three decades, I do not accept that a departure from NCND would impact, let alone damage national security.

Indeed the contrary would occur, naming him would lead to Government scrutiny and accountability that would undoubtedly strengthen national security and importantly lead to the increased protection of agents.

The holding to account of those involved in such matters is challenging because they are mired in secrecy. However where we know that multiple murders of our citizens' by agents have occurred, and lives that should have been saved have not, the very values of our democracy are undermined. It should also be remembered that the security forces are rightfully held to a higher standard.

Similarly to the accountability that has ultimately occurred following the Hillsborough disaster, such holding to account will in my view happen at some point, although I expect there will be frustrations before that time arrives.

WHEN WE HAVE STEPPED AWAY FROM NCND IN NI CONTEXT?

I have already given some examples and two are particularly instructive.

The Brian Nelson Case

Brian Nelson was an agent run by the Army's Force Research Unit (FRU) within the Ulster Defence Association (UDA). Unlike Stakeknife, Nelson's status as an agent was officially confirmed during criminal proceedings in the early 1990s.

- Nelson was convicted of serious offences, including conspiracy to murder, after it was revealed he had been involved in targeting individuals for assassination while acting as an agent.
- The Stevens Inquiry found that Nelson's handlers in the FRU were aware of his criminality, and that the Army had failed to prevent murders that could have been stopped.
- At the time of the Nelson investigation the activities of Stakeknife were not passed to the Stevens investigation by the FRU.
- **The official confirmation of Nelson's status did not, in practice, undermine national security or the recruitment of agents,** but it did allow for a measure of public accountability and learning.

The Attorney General Sir Patrick Mayhew made the decision to prosecute Nelson resisting significant Ministerial pressure to drop the case. Prime Minister David Cameron later stated that Mayhew "*deserves significant credit for withstanding considerable political pressure designed to ensure Brian Nelson was not prosecuted*."

The Jean McConville Case

Jean McConville, a mother of ten, was abducted and murdered by the Provisional IRA in 1972, accused of being an informant. For decades, her family suffered not only her loss but also the stigma of the accusation.

- In 2006, the Police Ombudsman for Northern Ireland Nuala O'Loan made an exceptional departure from NCND, officially stating that there was no evidence Jean McConville had ever been an agent.
- This public denial helped to clear Mrs McConville's name and brought some measure of relief to her family, demonstrating that exceptions to NCND can serve the interests of justice and compassion without compromising security.

I have come to know and respect Baroness O'Loan through her role with the Kenova Independent Steering Group. The stance taken by Baroness O'Loan deserves similar recognition for her decision to that of Attorney General Mayhew.

The sky did not fall in when this information was released, rather it gave rightful comfort to the family and put the focus on those responsible for her abduction and murder.

It is noteworthy that on the 3rd May 2011 in his oral evidence to the joint Committee on the Draft Detention of Terrorist Suspects (Temporary Extension) Bill, Lord Stevens disclosed that of 210 people his team arrested, only 3 were not agents.

The Sean Brown and Liam Thompson Gists

In the inquest into the murder on the 12th May 1997 of Sean Brown, the coroner issued a "gist" of intelligence material, stating that "*a number of the individuals linked through intelligence to the murder were agents of the state*."

I supported the gist after a minor amendment was made at my request.

I can confirm that, as anticipated, the issuing of the gist in the Sean Brown case is not assessed to have had any adverse impact on operational policing in Northern Ireland in general or the recruitment or retention of civilian agents in particular.

This demonstrates that carefully managed information, providing general information without naming individuals - can serve the interests of justice and transparency without compromising security. I am aware of the incredibly challenging journey the Brown family have endured.

The family have sought a public inquiry and won judgements at the High Court in December 2024 and at the Court of Appeal in April 2025. The Government have appealed on the basis the issue involves constitutional significance regarding who should order public inquiries. The case is now registered with the Supreme Court.

At the inquest into the murder committed on the 27th April 1994 of Paul Thompson, the Coroner made a decision to provide a gist to the family. The Secretary of State challenged the decision, initially I also challenged the proposed gist issued by the Coroner.

It was my assessment that the Coroner's gist contravened NCND. In an effort to assist the Coroner, I suggested an alternative wording, this became known as Gist 2 and was adopted by the Coroner.

The decision to provide the gist was made by the Coroner in an effort to assist the families. The High Court upheld her decision in the Thompson case stating her application of the law was "unimpeachable".

The Secretary of State appealed and the Court of Appeal upheld the High Court ruling, affirming the Coroner's discretion in balancing open justice with national security concerns. The Secretary of State then obtained leave to appeal the case to the Supreme Court.

The Thompson case was heard at the Supreme Court on the 11th and 12th June 2025 and the judgment is pending.

Public Interest Immunity

In March 2024, I ended the long-standing practice of routinely seeking Ministerial certificates in support of PSNI claims for PII. I commissioned new PSNI guidance that requires evidence-based decisions - not automatic secrecy.

This reform matters because:

- Withholding information on security grounds must be proportionate, not habitual.
- PSNI is independent of Government and must form its own judgements, not defer to Government or default to a single unified secrecy stance.
- NCND should protect genuine sensitivities, not institutional comfort.

My position is clear and we will properly apply NCND where it aligns with legal obligations and genuine public interest protections.

One of the myths used to justify NCND is that we “cannot reveal anything” even in general terms. My experience in Kenova proved the opposite.

There is almost always a safe way to give:

- a gist
- a summary
- a contextual explanation

without identifying agents, revealing methods, or compromising operations.

Refusing to provide even general context, when it could be safely offered, has been one of the greatest historical failures of the NCND approach.

I will be publishing the PSNI PII policy shortly.

Drawing on the lessons of Kenova, the following recommendations are made:

1. **Review and codify the proper limits of NCND**—ensuring it is applied proportionately and only where genuinely necessary for the protection of life or national security.
2. **Establish clear criteria for departing from NCND**—including where the agent is deceased, widely identified, or credibly accused of serious criminality.
3. **Prioritise the rights of victims and families**—ensuring they are given as much information as possible, consistent with the protection of life and national security.
4. **Promote transparency and public accountability**—by publishing as much information as possible about legacy investigations, subject to appropriate safeguards.
5. **Ensure independent oversight of decisions to apply or depart from**

NCND—to prevent misuse or overreach.

Kenova is a case study in how NCND can harm the public interest when used without nuance. It should be used where;

- a specific, demonstrable harm is identified;
- that harm is real, serious, and current;
- no lesser form of disclosure (such as a gist) can mitigate the risk.

IN CONCLUDING

The legacy of the Troubles cannot be addressed by secrecy and silence. We hope to build trust, promote reconciliation, and ensure that any mistakes of the past are not repeated.

It is important to acknowledge the Independent Commission on Policing for Northern Ireland that was established in 1998 under the Good Friday Agreement and reported in 1999. This became known as the Patten Commission.

Taking account of policing principles, the Commission was asked to examine policing in Northern Ireland and make proposals for future structures and arrangements, including ways to encourage widespread community support for those new arrangements.

On the subject of accountability, the Patten report set out that the Police Service in Northern Ireland should take steps to improve transparency. The presumption being that everything should be available for public scrutiny unless the public interest - not the police interest - requires that it be withheld. I refer here to the Patten Commission report to highlight its clear direction that the new police organisation (PSNI) should be more transparent and share information rather than retain it.

I am committed to a policing approach that is open, accountable and transparent. The Kenova experience has shown that it is possible to investigate legacy cases rigorously and compassionately, to uncover the truth, and to provide answers to families who have waited far too long.

But this requires courage - not just from investigators, but from Government, from the security agencies, and from all of us who serve the public. Perhaps above all it requires leadership and a willingness to review and, where necessary, reform the policies that have stood in the way of truth and justice.

I advocate now for precisely the same approach as I applied for decades when leading covert operations in combatting serious and organised crime and terrorism in London, a principled and proportionate NCND position that:

- protects genuine national security interests
- supports families seeking truth
- strengthen confidence in policing
- upholds the rule of law

And that begins with using NCND not as a high wall, but as a carefully judged tool - one that rightfully protects where needed, but never obscures accountability or protects wrongdoing.

Thank you.