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## Local & National

### Orde bid to keep secret identities of informers

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#### Battle as inquiries request information

Wednesday, September 05, 2007

By Chris Thornton

A battleground between the police and collusion inquiries has been highlighted by Chief Constable Sir Hugh Orde, who fears the inquiries could harm the wider fight against terror.

Sir Hugh is digging in his heels about supplying the names of informers to the ongoing inquiries - and is considering whether he can use a powerful legal gag to keep their identities secret.

As the Billy Wright Inquiry prepares special hearings about the problems it has had procuring evidence, the Chief Constable indicated he is talking to his lawyers about the use of Public Interest Immunity Certificates.

That would probably require the agreement of Secretary of State Shaun Woodward.

In an interview with The Guardian, Sir Hugh said he is under conflicting legal obligations - the protection of informers against the requirement to show the inquiries whatever evidence they want to see.

"The legislation gives huge powers to demand anything and everything and then to decide on relevance," he said.

"There are professional issues around the conflict between the powers of the inquiries and, for example, my obligations under Article 2, Section 29 of the Regulation of Investigatory Powers Act about protecting the identity of informants."

Three collusion inquiries are presently under way, looking into the murders of Wright, the LVF leader killed in the Maze, solicitor Rosemary Nelson, and Portadown Catholic Robert Hamill.

A fourth UK inquiry into the murder of solicitor Pat Finucane has not been set up, and the Republic is also holding an inquiry into the murders of RUC officers Harry Breen and Bob Buchanan.

Sir Hugh is not under the same legal obligations to that inquiry, but with the UK inquiries he is obliged to hand over whatever documents the investigating tribunal asks for, although they are not necessarily published.

"The law says I give it," said Sir Hugh. "All my legal advice is that I have no alternative . . . That has national and international implications."

He said informers would be discouraged from providing information if they believed there was a risk that they would later be exposed to an inquiry.

"Who is going to be an informer on anything - look at the international terrorism connection in the UK now - if it's clear that five years down the line, 10 years down the line, 15 years down the line an inquiry can demand all that information from me and I can't protect him?"

He said some officers have told him it is already becoming more difficult to recruit informers.

Later this month, the Wright Inquiry will hold two days of special hearings about the problems it has had recovering evidence. The inquiry's lawyers have previously criticised the PSNI for delays in producing documents, although the PSNI has previously insisted that it provided all documents sought by the inquiry.

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