

News

## **Boston College tapes: Court lifts ban on police accessing recordings on former IRA member**

Senior judges held they had no jurisdiction to allow Anthony McIntyre to mount a further appeal

 Expand



Anthony McIntyre

By Alan Erwin

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A prohibition on police accessing secret recordings about a former IRA member's activities during the Troubles is set to be rescinded, the High Court has ruled.

Senior judges held they had no jurisdiction to allow Anthony McIntyre to mount a further appeal against disclosure of interviews he gave to Boston College in the United States.

Lord Justice McCloskey said: “In a nutshell, we have not been persuaded that we have the power to make the order sought”.

Lawyers for Mr McIntyre were given 24 hours to make any last-ditch application for a stay on release of

ANTHONY MCINTYRE



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In 2018 Mr McIntyre launched a legal battle to ensure the recordings and transcripts remain sealed and confidential.

He was a researcher for the Boston College project compiling an oral history of Northern Ireland’ conflict, with ex-paramilitaries providing testimonies on the understanding their accounts would be kept secret while they are alive.

Those assurances were dealt a blow after police secured transcripts and tapes of interviews given by former IRA woman Dolours Price and loyalist Winston ‘Winkie’ Rea.

Detectives want access to Mr McIntyre’s recorded recollection of his own IRA activities as part of investigations into alleged terrorist offences nearly 50 years ago.

A subpoena seeking copies of his interviews was served on Boston College by the British government.

The move involved an International Letter of Request (ILOR) setting out alleged offences under investigation, including a bomb explosion at Rugby Avenue, Belfast in 1976, and membership of a proscribed organisation.

Although PSNI officers brought the Boston tapes back to Northern Ireland, they were kept sealed because of Mr McIntyre’s legal challenge.

He claimed police should not be allowed the recordings due to mistakes and inaccuracies in the ILOR.

In October 2018 the High Court dismissed his bid for an injunction restraining the PSNI and Director of Public Prosecutions from making any further use of the interviews.

Mr McIntyre was subsequently refused permission to take his challenge to the Supreme Court in London.

With the tapes being sought before the May 1 deadline for continuing Troubles-related investigations under the terms of the government's new Legacy Act, lawyers for the chief constable argue all routes of appeal have been exhausted.

Tony McGleenan KC insisted there is no jurisdiction to deal with arguments now raised by the former IRA man's representatives.

Mr McIntyre's barrister, Ronan Lavery KC, claimed he should still have a right to appeal because of an error in how the original judicial panel was designated.

However, Lord Justice McCloskey, sitting with Lady Chief Justice Dame Siobhan Keegan, backed the PSNI's arguments that the legal challenge had reached an end.

Dismissing Mr McIntyre's application for a re-designation in how the court dealt with the case, the judge described it as "unprecedented".

Dame Siobhan added: "The outworkings of our decision... is that the further orders retaining the material must now fall or be rescinded".

Giving Mr McIntyre's lawyers until Wednesday to seek a stay on releasing the tapes, she stressed: "You need to set out both the legal basis and the grounds for it".

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