



9 December 2025

KRW LAW Statement on Kenova

NCND

The publication of today's final Kenova report into what I call "The Stakeknife Project" marks the end of 7 years of work and over £40m spent on an investigation by over 60 detectives.

However, today is not the end of what at times has been a fraught and anxiety-laden journey for the next of kin of those murdered by PIRA ISU as suspected 'touts' or informants. Today's Kenova Report does not bookend things. Rather, it points the way forward to getting more answers and opens doors on many other unresolved issues not the least of which is the one staring everyone in the face this afternoon - the failure to name Mr Fred Scappaticci as the "agent Stakeknife".

Well, we can cut to the chase now and formally announce that Fred Scappaticci was the agent Stakeknife. In saying that he wasn't the only Stakeknife in the drawer. As originally somewhat discreetly alluded to in the interim report from March last year, there were other agents operating either inside the ISU or otherwise linked to it. Today's report brings additional confirmation of that

It's important to record that the Kenova team have fought hard to name Stakeknife in the face of the impenetrable State intelligence obstacle known as NCND ('Neither Confirm Nor Deny'). It's important to observe that NCND is not enshrined in any piece of legislation. Rather it is a government-driven policy which serves to protect matters of National Security at all costs. It's a matter of deep regret and frustration that we don't have a departure from the policy to allow the formal naming of Stakeknife. It's insulting to the families who invested so much time and faith in Kenova. It's a slap in the face by the State at a time when their ought to be the most fulsome of apologies over what was a State sponsored murder operation lasting from 1979 to 1994

Today's report provides us with additional ballast to support our ongoing High Court challenge to set aside NCND. The family and next of kin of Anthony McKiernan are in the final stages of their Judicial Review challenge to force a departure by the state from NCND. On the back of today's very strong commentary by the Chief Constable and Sir Iain Livingstone we call upon the government to drop its incessant use of NCND to block-tackle families getting this confirmation. It's a disgrace that after all this time and so much money spent the SOSNI and the government are hell bent on preventing this. It is both farcical and deeply insensitive to these families especially when to quote from the report, "the dogs in the street" know who Stakeknife is.

Equally reprehensible is the ban on releasing details of Fred Scappaticci probate and will details. That's to be kept secret for 70 years. Its nothing short of insulting to these families

NCND has been used on an industrial scale as a bulwark to prevent the truth about the role of State complicity in murder and to keep prying eyes away from its toxic role in murder

conspiracies. One has to ask, what stage will there ever be anything approaching meaningful accountability?

At the end of the day Fred Scappaticci is dead. So his wife. Any residual Article 2 right to life issue is very much moot and redundant. He needs called out now as Stakeknife.

The Role of M15

At Para 12.5 we learn that an MI5 operative broke into the locker belonging to 2 Kenova personnel in Thames House. What does that say about integrity of the process? It harks back to the fire started in the offices of the Stevens inquiry when in the 1990s Sir John Stevens and his team started investigating loyalist State Collusion into the killing of Pat Finucane and many others.

PPS Failure to Prosecute

Equally underwhelming is the stark statistic that despite a lorry load of evidence and the submission of many files there have been no prosecutions. It beggars belief that we don't have anyone in the dock in a Criminal court. This failure has to rank right up there with the failure to name Stakeknife. Irrespective of the failure to prosecute or not I think it's important to put on record at this point that Kenova remains a vital piece of investigative work that will stand the test of time. It's extremely frustrating that after all this time we don't have one single prosecution of anyone. The feedback received from families is directed mostly at the failure to charge handlers and other security force personnel with anything. Many next of kin know who pulled triggers and took people away to be interrogated and executed. What they really wanted to see was the handlers and overseers of state-sponsored murder in a dock.

However, we shouldn't judge Kenova's legacy through the prism of failure to prosecute anyone. PPS failures on directions to prosecute should not be determinative as to whether or not Kenova is deemed a success or failure.

It's important to note that both the interim report and today's final Kenova Report will provide much needed support for further judicial intrusion and oversight into PPS decision making.

The family of Anthony Braniff are challenging the failure of the PPS to prosecute State agencies over Health and Safety regulations on the handling and oversight of intelligence and intelligence assets. A judgement is expected soon which will challenge the narrow prosecution decision making processes which only served to make it more difficult to prosecute.

We are challenging the PPS over the Failure to issue a public statement on a decision not to prosecute another agent in a high profile 1986 murder. This agent made admissions to the security forces about his involvement in murder, yet he's not prosecuted. Again, it's significant that we are not talking about Freddie Scappaticci. The evolving dividend of Kenova is that it serves to provide clues if you look hard enough and know where to look. We have been able to join the dots and work out the existence of another high-profile agent. It will come as little comfort to families this morning to learn this agent is alive and well and living in England protected and paid for at taxpayers' expense. I seriously considered naming him this morning if nothing else to serve as an antidote to State Intelligence clamp down but the need for compliance with professional and other legal obligations has served to stop me doing it. Rather, we will leave it to the courts to adjudicate upon but it was a close-run decision.

The need for recourse to the courts underpins the level of frustration and highlights the recurring problem of the state failing to be proactive and transparent instead purports to be reactive and opaque on everything intelligence related.

A further case is the family of Thomas Emanuel Wilson murdered in 1987 and Failure to issue proper reasons for not prosecuting Fred Scappaticci and security force personnel on charges of perjury back in 2006. New revelations by the journalist John Ware which turns a hitherto previously settled narrative on this have been turned upside down by his work yet to get traction we need to litigate but it shouldn't have to be like that. Families ought not to have to traipse to the courts to get answers

Finally, the Failure to prosecute Stakeknife over an incident in 124 Carrigart Avenue in 1990 when Sandy Lynch was held captive is probably the most egregious example of prosecutorial somnolence. We have learned that Lynch presented as potentially a credible witness which when allied to other evidence including the rubbishing of Scappaticci's alibi pointed to a strong basis to prosecute him for the very same offences many others were charged with and later acquitted on.

Families may be forgiven for having a perception that the PPS are the Praetorian Guard of Mi5 state intelligence. It's a view that's hard to resist when you stand back and look at the systemic pattern of prosecutorial shut down on every issue and strand of the Stakeknife saga.

The courts have suggested that we should look at ICRIR but that doesn't cut much ice when you see how the SOSNI has vetoed NCND. What hope is there if the chief Constable and former head of Police Scotland can't get NCND over the line? How can we then urge families to invest trust and confidence in an entity which is subject to the very same strictures on NCND departure as that highlighted this morning?

For us Kenova opened up a Pandora's Box on Mi5 Security Service oversight and control over life and death. Any suggestion of that entity existing as some sort of distant "honest broker" in the labyrinthine world of intelligence and agent handling is well and truly consigned to history. We can now see the ugly reality for what it was.

To that end when you look at the same systemic failing in the case of Brian Nelson it's really a case of déjà vu. The same mantra where between the 2 sets of investigations over many years we still end up with no prosecutions is a hard statistic to absorb. However, with one major difference. In Kenova we now have a detailed report together with bespoke family reports all imparting the sort of detail which was never in a million years going to be made available to next of kin. Such revelations are in stark contrast to the paucity of information given to the many victims' families of state sponsored UDA Brian Nelson killings spanning a similar era in the Conflict.

The Chief Constable is on record making it clear that Stevens 3 needs to be published because much of the suppressed investigative product therein is of a broadly similar nature to that which we've learned about last March and again today. There's no rhyme or reason why Stevens 3's so called secrets can't be released into the public domain. Frustratingly in the continued delay in departing from NCND we have no alternative but to resort yet again to the courts. An important outworking of Kenova has seen its work point to the sheer extent of State complicity in collusive murder across other sectors and eras of the conflict as well.

We must guard against any disproportionate focus on PIRA ISU to the exclusion of so many others. There's a real danger that we look at the Stakeknife project as representing the apex of state sponsored murder of its citizens. It wasn't. Rather it was but a mere sliver of a much wider

systemic intelligence malaise that served repeatedly to expose so many people to murder or other risk to life during the Conflict.

FS is not the only 'tout'.

Legacy of Kenova

A final word on the families of the victims. Not an awful lot has changed for them. I am pleased to see many here today. That has to be progress. For far too long they've been confined to the back streets of their communities. For me one of the key take away legacies is their emergence from the shadows. The stigma of the tout or informant still runs deep in Irish history. In the aftermath of today's report I'd like to think that suffocating stigma has subsided. Not completely but just enough to allow many families to hold their heads high knowing that the truth or a substantial part of it has emerged to help change the narrative. Last March when the IKR was released I sat in a room without a single family member present. Today this room is full of NOK who now no longer feel they have to hide or see people walk on the other side of the street to avoid their eyes. There may still be no throngs of placard waving campaigners to greet them today but there's a sea change in the face of residual political constipation over what happened here. The deafening silence over their plight has been shifted. In the process of demystifying a lot of the conspiracy theories around Stakeknife, Kenova has helped destigmatise the lives of many affected families

It's important to record that many of PIRA ISU murder victims were not 'touts' and any that were ended up compromised upon threat of jail time. They were pressurised and compromised. The state started the process of putting lives at risk and then bookended the whole macabre engagement by having its own State agent or agents used in the person's murder.

There was a criminal dysfunctionality underpinning what was otherwise seen as normal intelligence policing. This is just how it was done. People were allowed to die as part of a drive to prioritise intelligence maintenance over the investigation of crime. CID murder investigators operated at times on starvation rations of evidence and intelligence, drip fed by SB and FRU operatives in turn directed from upon high by Whitehall.

FS provided over 3300 items of intel. That industrial scale provision of information saved pitifully few lives

Only this time MI5 have been badly caught out in a manner not hitherto known. We need to revisit the review findings of Baroness Hall on exactly why and how did MI5 fail to deliver Stevens 3 intel which was in existence from 15 years previously? They simply didn't cooperate with Kenova at all

All of this points to perverting the course of justice given it was conveniently kept away from Kenova and only released 3 weeks later and one week before the legacy act came into force that gave precious little time to get a complaint to the PPS. The MI5 operatives had no personal incentive to do this as they'd retired already so why stick to a defensive choreography that insured the Stevens 3 material didn't make its way to Kenova?

It's farcical were it not so sensitive. When things got too hot Stakeknife was moved away and flown out of the country and entertained at taxpayers' expense. People were sacrificed in order to preserve the intel agenda. The process was increasingly under strain as the pretence became ever more difficult to maintain as incidents from the late 80s increasingly attracted suspicion on Scappaticci before finally falling apart in the aftermath of the Sandy Lynch case in 1990.

Earlier this year we were in court to challenge the SOSNI over his refusal to have a public inquiry into the 1994 ISU murder of Caroline Moreland and State - ISU generally. We were advised by the SOSNI to wait until after the publication of today's final report. The court endorsed that view

and effectively told us to wait when dismissing our judicial review application. Well, after today I want to say to Hilary Benn that we are back . Weve waited patiently since earlier this year for this moment to arrive. Todays report enables us to go straight back to the high court to renew our call for a public inquiry into the Stateknife Project. For the reasons cited today we simply can't go to ICRIIR because of the national security veto on intelligence. A public inquiry is the only option to take todays Kenova work product to the next stage otherwise it will have been all, in vain.