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Who is really being protected by Dunblane 100-year ban?

Maybe Detective Sergeant Paul Hughes knew he was handling dynamite. Then again, maybe he didn't. In 1991 the policeman, from the child protection unit at Bannockburn, wrote a report detailing the disturbing behaviour of a man called Thomas Hamilton. It recommended Hamilton be prosecuted for his conduct at a children's residential holiday camp, and recommended his firearms licence be revoked. Neither recommendation was acted upon.

Parts of Mr Hughes's heartbreakingly prescient report were published in June 1996 after the Dunblane massacre. "I would contend that Mr Hamilton will be a risk to children whenever he has access to them, and that he appears to me to be an unsuitable person to possess a firearms certificate in view of the number of occasions he has come to adverse attention of the police and his apparent instability," he wrote. Hamilton was "scheming, devious, and deceitful".

But these were only extracts. The actual details of Mr Hughes's report - a "voluminous" work relating to Hamilton's activities and listing large numbers of children's names - were not released. And in 1996, after Hamilton killed 16 pupils and a teacher at Dunblane Primary School, Lord Cullen met the staff of the Scottish Records Office and recommended that the report be placed under 100-year closure.

The huge question now waiting to be answered, following allegations at the weekend, is whether the report did more than list abused children. Did it, as alleged, also contain damning evidence that Hamilton had friends in high places? That he was being protected by a former cabinet minister and a high-ranking lawyer? Is this the real reason why Paul Hughes's report is suppressed for so long?

Rightly or wrongly, within a culture of institutionalised secrecy it is hard to avoid the conclusion there is something to hide. A ban like this gives the conspiracy theorists validity. A century's wait invites accusations of a high-level cover-up. Hence the veiled suggestions one of these high-ranking individuals was also a child sex abuser, and the implication that freemasonry encouraged an evil network to flourish, protected by the establishment. Hamilton's masonic links, the conspiracy theorists point out, have been long rumoured but never investigated.

Now all this may be overheated nonsense, hot-housed by a society which sees paedophilia lurking in every shadow, but it is very hard to defend when the source is inaccessible: not for 30 years, or even 75, but for 100, by which time we will all be dead. The only way to silence such accusations is to lift the ban. If the allegations are true, justice must be done. Such a move is clearly in the public interest.

Yesterday the Records Office, now called the National Archive, confirmed that the 100-year rule was enforced because the report relates to young children. Dr Peter Anderson, a deputy keeper who was involved in Lord Cullen's decision, confirmed that while most 100-year cases were reduced to 75-year closure in the late 1980s, documents still under a 100-year ban

include anything involving children; plus rape victims (for instance, the identity of Carol X); sectarian politics in Northern Ireland; and the royal family.

He said his office had been asked a few years ago to see if it was possible to "anonymise" the Hughes report by blotting out all the names of the children, and had re-examined the report carefully. In its expert opinion, it was not possible. "It would be very hard to dis-aggregate bits," he said. He pointed out that anything heavily amended and blotted out would only fuel the conspiracy theorists, and expressed his belief that the Freedom of Information Act, presently being implemented, would not make any difference as material given in confidence or which would endanger life, or cause substantial distress, would still be exempt.

Dr Anderson is not unsympathetic, nor is he trying to be difficult. He is trapped by a system which provokes more questions than it does answers. The fact is that there is no law or legislation relating to Scottish cases, only custom and practice. The Public Records Act of 1958 specifically excluded anybody within or concerned with Scotland, but the Scottish Office effectively implemented the act by administration. In practice, the Crown Office holds the power to release information, although, just to add to the ambiguity, it seems the first minister could request release.

Which leaves us no closer to the solving the mystery of the Hughes report. The longer this nastiness brews, the more sensational the conspiracy theories will become and the more damage will be done to individuals. It is an embarrassment to a modern, open society. It is an additional cause of pain for the Dunblane families, who have already suffered too much.

Michael Matheson MSP, the SNP justice spokesman, said yesterday that two of the bereaved families seek the removal of the 100-year closure. He has pertinent questions. He wants to establish under what jurisdiction in Scots law the closure was made, and who is responsible for enforcing it. He also wants to know what provisions there are for it to be revised and revoked. He believes a device called a Chancellor's Instrument exists to release secret documents in England, but does not know if it applies in Scotland. Nor, it seems, does anyone.

Matheson believes the names of the children could be blanked out and the Hughes report released. He does not accept it is impossible to make the report anonymous. "It's the other names we are interested in. I somehow don't think that is sufficient justification for a 100-year rule to be applied."

Likewise, the existence of a judicial grey area does not bar the application of common sense. A system operates in the Scottish courts which daily protects the identity of children. Newspapers live by Section 45 of the Criminal Procedure (Scotland) Act 1995. There seems no reason why the Hughes report could not be released under similar restrictions.

The Scottish Executive must display courage, muscle, and initiative and ask the Crown Office to lift the ban. Not to do so invites the inevitable conclusion that there is something to hide. They would also do themselves much good if they investigated the legal anomalies surrounding public records, especially with the arrival of the Freedom of Information Act. There may - just may - be justification in 100-year protection for children who may live to a great age. But it is hard to see any other circumstances where such excessive secrecy is necessary. The danger is always that the establishment will use the rules to protect itself.

After Hughes's evidence came to light, the deputy chief constable of Central Scotland Police, Douglas McMurdo, resigned. He was the man who, aware of Paul Hughes's advice to the contrary, signed Hamilton's last firearms certificate. Was he fall-guy for others who have never been named? It would be terrible to think so. It would be the ultimate betrayal if the 100-year rule, while purporting to protect children, was used instead to protect adults whose bad judgments may have facilitated Hamilton's evil. Only full transparency over Hughes's report can reassure us.

Who does the 100-year ban protect?

WHEN Thomas Hamilton killed 16 children and a teacher in a school gymnasium in March 1996, it seemed to the world like a spontaneous and inexplicable act of madness. But in fact, there were many warnings in the prelude to the Dunblane massacre. Most of them were ignored or brushed aside by the authorities.

For 20 years, Hamilton's name was enough to raise a groan in the offices of Central Scotland Police. For some officers, the name meant paedophile. For others, it meant hundreds of handwritten complaints against Hamilton by his neighbours, Stirling District Council and the Scout Association. From 1977 to 1996, officers investigated Hamilton, yet for almost 20 years, the force's firearms unit granted him a gun licence. Last night's decision by Colin Boyd, QC, the Lord Advocate, to push for the publication of a secret police report compiled on Hamilton five years before the shooting may shed further light on why the misfit was able to carry out the atrocity.

At the Cullen inquiry into the massacre, Central Scotland Police's most senior officers were accused of dereliction of duty. Their application of gun law was slack and complacent, it was claimed. Colin Campbell, QC, who represented Hamilton's victims, told the inquiry. "But for the culpable failure by Central Scotland Police, it is probable that the events of 13 March at Dunblane primary school would not have occurred."

A loner all his adult life, Hamilton had a confused childhood. After his father left when he was 18 months old, he was brought up by his grandparents, believing his mother to be his sister.

In his early twenties, Hamilton became a Boy Scout leader, but he was dismissed within a year after complaints about two weekend camps he conducted in Aviemore in 1974. The boys returned cold, wet and hungry, and had spent one night not, as promised, in a hostel, but in the back of Hamilton's van. Brian Fairgrieve, a retired surgeon and former Scouting county commissioner for Stirlingshire, interviewed Hamilton after the complaints. He told police: "I formed the impression that he had a persecution complex, that he had delusions of grandeur, and I thought his actions were almost paranoiac."

Mr Fairgrieve's investigation led to Hamilton's expulsion from the Scouts, but he formed his own boys' clubs, holding gymnastics classes at a number of schools in central Scotland. His youth clubs were quasi-militaristic affairs, with great emphasis on physical exercise. The boys would drill, stripped to the waist, in all weather. George Robertson, then the shadow Scottish secretary, who lives in Dunblane, withdrew his son from one of the clubs in 1983 after watching what was going on. It was, he told the Cullen inquiry into the murders, "a bit like the Hitler youth". His "gut feeling" that there was something wrong even led him to write to Michael Forsyth, the local MP and later Scottish secretary.

From November 1981, Hamilton hired school halls for 15 boys' clubs from local authorities across the Central, Fife and Lothian regions. He held a Grade 5 certificate from the British Amateur Gymnastics Association, which permitted him to coach under supervision, but most

of the activity was football. A summer camp run by Hamilton on Inchmoan Island on Loch Lomond was visited by police in July 1988, after one boy had returned home unhappy. The 13 boys appeared cold and inadequately dressed, the sleeping bags were damp. Although some said they were homesick and Hamilton would not allow them to phone their parents, none wished to leave with the officers. The procurator fiscal investigated stories from the boys that Hamilton had slapped them, but found their accounts contradictory. No action was taken, but an enraged Hamilton began to deluge police with complaints.

However, it is the complaints about another summer camp run by Hamilton, in Mullarochy Bay, Loch Lomond, in July 1991, that are believed to form the backbone of a police report, ordered by Lord Cullen to be protected from public view for a century.

The report, written by Detective Sergeant Paul Hughes, the former head of Central Scotland Police's child protection unit, was damning, but only extracts of his investigation were revealed during the Cullen inquiry. Part of the report contained a passage from Mr Hughes recommending in 1991 that Hamilton's gun licence be revoked. He wrote: "I am firmly of the opinion that Hamilton is an unsavoury character and an unstable personality. I would contend that Hamilton will be a risk to children whenever he has access to them and he appears to me to be an unsuitable person to possess a firearms certificate. It is my opinion that he is a devious and deceitful individual who is not to be trusted."

The report was later overlooked by his superior, Douglas McMurdo, then deputy chief constable, because Hamilton had not been convicted of any crime.

The question now is whether the report did more than list abused children. Did it, as alleged, also contain damning evidence that Hamilton had friends in high places, or even that he was being protected by politicians? The decision on whether the public will gain access to it now lies with the Lord Advocate.

They had key roles in tragedy investigation

- **LORD CULLEN:** He made the decision to keep one of the most significant aspects of his inquiry into the Dunblane massacre away from public view for 100 years. The evidence given to the inquiry by Paul Hughes, the former head of Central Scotland's police child protection unit, was deemed by Lord Cullen as too sensitive for public record as it contained details of boys Thomas Hamilton had abused during youth club summer camps. Now Scotland's most senior judge, Lord Cullen was last year appointed as Lord President of the Court of Session. A judge since 1986, Lord Cullen has become an omnipresent figure in the public eye due to his high-profile roles heading the inquiries into some of Britain's worst tragedies.
- **DOUGLAS McMURDO:** The former deputy chief constable of Central Scotland Police, resigned in 1996 after his force was harshly criticised following the publication of the Cullen report. From Sanquhar, Dumfries and Galloway, McMurdo broke down after five hours of intensive questioning at the height of the Cullen inquiry when he was directly accused of failing to act in 1991 when Detective Sergeant Paul Hughes, suggested to senior officers that Hamilton's firearm certificate be revoked.
- **GEORGE ROBERTSON:** The current general secretary of NATO came into contact with Thomas Hamilton after he withdrew his son from a club run by the killer at Dunblane High School in 1983. Robertson, the son and brother of Scottish policemen and then Labour MP

for Hamilton North, told the Cullen Inquiry he was concerned by the quasi-militaristic nature of the youth club. He later told Lord Cullen his "gut feeling" led him to believe something was wrong and that he raised his fears with Michael Forsyth the then MP for the Stirling constituency, which covered Dunblane,

- **MICHAEL FORSYTH:** The former Secretary of State for Scotland and MP for the Dunblane area at the time of the deaths. Mr Forsyth received a number of complaints from his constituents, about Thomas Hamilton's conduct. Born into a lower-middle class family, the son of a garage owner in Montrose, Mr Forsyth later earned a political reputation as an arch-Thatcherite but lost his seat in the 1997 election.

Read more at: <http://www.scotsman.com/news/who-does-the-100-year-ban-protect-1-545863>