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Northern Ireland Affairs
Committee

**Ways of Dealing with
Northern Ireland's Past:
Interim Report –
Victims and Survivors**

Tenth Report of Session 2004–05

Volume II

Oral and written evidence

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The Northern Ireland Affairs Committee

The Northern Ireland Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Northern Ireland Office (but excluding individual cases and advice given by the Crown Solicitor); and other matters within the responsibilities of the Secretary of State for Northern Ireland (but excluding the expenditure, administration and policy of the Office of the Director of Public Prosecutions, Northern Ireland and the drafting of legislation by the Office of the Legislative Counsel).

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Committee staff

The current staff of the Committee are Dr John Patterson (Clerk), Hugh Farren (Attached Clerk), Dr Aileen O'Neill (Committee Specialist), Tony Catinella (Committee Assistant), Julia Kalogerides (Secretary).

Contacts

All correspondence should be addressed to the Clerk of the Northern Ireland Affairs Committee, House of Commons, 7 Millbank, London SW1P 3JA. The telephone number for general enquiries is 020 7219 2172/3; the Committee's email address is northircom@parliament.uk

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1. Armagh Confederation of Voluntary Groups: Civicus World Assembly Gabarone, Botswana – 21 to 25 March 2004
2. ICEVA Limited: Letter on Cold Case Review Service
3. Training for Women Network:
 - In Their Own Words – a research report into the victims sector in Northern Ireland
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4. Eolas Project: Consultation paper on Truth and Justice
5. NIACRO: All Truth is Bitter – Report on a visit by Doctor Alex Boraine, Deputy Chairman of the South African Truth and Reconciliation Commission, to Northern Ireland
6. Democratic Dialogue: Future Policies for the Past
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9. Trauma Advisory Panel: Terms of Reference
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 - Position paper on the future and structure of the victims sector
 - Human Rights to Remedy Inhuman Wrongs
 - Press Cuttings
11. MAST Kilkeel: E-mail
12. Ms Bridget Hughes: Letter
13. Coiste n-Iarchimi:
 - A museum at Long Kesh or the Maze?
 - Annual Report 2003-04
 - Coiste.comm, Volume 6, Issue 4
14. Ms Stephanie English: Letter to Angela Smith MP, Minister for Victims
15. Elham Atashi: Reconciliation in Northern Ireland – An Assessment
16. Ulster Prisoners Aid: Truth and Justice Conference 2 to 3 October 2004
17. Ms Ann Maguire: Letter
18. Ms Betty Leonard: Letter
19. Ms Kathleen Murray: Letter

Oral evidence

Taken before the Northern Ireland Affairs Committee

on Wednesday 2 February 2005

Members present:

Mr Michael Mates, in the Chair

Mr Roy Beggs	Mr Stephen Pound
Mr Gregory Campbell	The Reverend Martin Smyth
Mr Tony Clarke	Mark Tami
Mr Stephen Hepburn	Mr Bill Tynan
Mr Iain Luke	

Memorandum submitted by EPIC

PREFACE

Since the ceasefires in 1994, the call for truth and justice in Northern Ireland has become a familiar cry echoing the sentiments of many people and communities who have been bruised and battered by 30 years on the front line of violent political conflict. The question remains—how do the people of Northern Ireland begin to deal with the hurts, the pain and the overwhelming number of human rights abuses, which define the conflict?

This consultation paper emerges from a constituency that is well aware of its own pain and suffering, acknowledges the pain and suffering of others and wants to be involved in a genuine process of conflict transformation that helps to improve the quality of life of ordinary people who are yearning for the dawn of a new day.

This desire for change was highlighted in the statement issued on behalf of the Combined Loyalist Military Command (CLMC) when the loyalist ceasefire was announced on 13 October 1994:

In all sincerity, we offer to the loved ones of all innocent victims over the past 25 years abject and true remorse. No words of ours will compensate for the intolerable suffering they have undergone during the conflict.

Let us firmly resolve to respect our differing views of freedom, culture and aspiration and never again permit our political circumstances to degenerate into bloody warfare.

We are on the threshold of a new and exciting beginning with our battles in the future being political battles fought on the side of honesty, decency and democracy against the negativity of mistrust, misunderstanding and malevolence, so that together we can bring forth a wholesome society in which our children and their children will know the meaning of true peace.¹

This statement paved the way for a new beginning for this constituency—a beginning that was very much shaped and informed by the legacies of the violent conflict but also was hopeful for “a society in which our children and their children will know the meaning of true peace.”

To achieve this kind of new society, we acknowledge the need not only to be bold and brave but also to be honest and realistic about who we are and what we can deliver within our current political context.

This consultation document is an attempt to provide opportunities for our constituency to begin debating the issues around truth recovery. We acknowledge that people may experience this document as being inward looking and self-reflective. It is. It needs to be. It has to reflect the reality of where our constituency is in its current process of conflict transformation. Our intent is not to alienate others; our intent is to encourage honest and challenging thinking within a constituency and to allow others to respond critically to that thinking. As quoted in the CLMC ceasefire statement we are not unaware of the pain and suffering of others and are committed to the sentiments contained in paragraph 2 of the Declaration of Support in The Good Friday Agreement:

The tragedies of the past have left a deep and profoundly regrettable legacy of suffering. We must never forget those who have died or been injured and their families. But we can best honour them through a fresh start, in which we firmly dedicate ourselves to the achievement of reconciliation, tolerance and mutual trust and to the protection and vindication of the human rights of all.²

¹ CLMC Ceasefire statement; <http://cain.ulst.ac.uk/events/peace/docs/clmc131094.htm>

² The Good Friday Agreement; <http://www.nio.gov.uk/issues/agreelinks/agreement.htm>

We recognise the need for all people and organisations to access the resources needed for “a fresh start” and we call on all relevant organisations, especially government, to put the resources in place to help people and communities access the help they need on their journey for healing.

This consultation document represents the beginning of a journey—a journey that should be welcomed and supported as part of the true process of peacebuilding within this society.

“TRUTH RECOVERY”? A CONTRIBUTION FROM WITHIN LOYALISM

INTRODUCTION

There seems to be a growing interest in the possibility of some kind of “truth commission” or “truth recovery” process regarding the conflict in and about Northern Ireland. On 27 May 2004 Secretary of State Paul Murphy announced the start of a two-stage consultation process on the Troubles. He said that he would be consulting victims’ families, church leaders, politicians and academics, and that the Government was coming to the process with an open mind.³

In his announcement Mr Murphy said, “These discussions will initially take the form of private soundings which will in due course lead to wider consultation. I will also be commissioning work of relevant international experience which will cover the sort of processes which others have used in seeking to come to terms with the past.”⁴

This was followed by Mr Murphy embarking on a fact-finding visit to South Africa following that country’s high profile Truth and Reconciliation Commission.

There are a number of deep concerns within loyalist circles about these recent developments. To ensure that loyalist concerns are not ignored and to clearly articulate that position we have brought together a representative grouping of people from PUP, UVF/Red Hand Commando and community work backgrounds. Two workshops have been held so far, one in May and another in June. At the one-day event in May we looked at some of the challenges facing any “truth recovery” process, as highlighted by the South African TRC. Drawing on experiences from other parts of the world, information was provided on a wide range of factors involved in the design of a “truth commission”. An initial exploration of the fears/barriers/costs regarding such a process for Northern Ireland also took place, and there was an opportunity to discuss potential benefits of “truth recovery”.

This initial exploration underlined the fact that there are many serious “fears/barriers/costs” that are uppermost in people’s minds. The half-day meeting in June was therefore devoted to fleshing out some of these concerns. This Preliminary Consultation Paper aims to reflect the discussion held at these two meetings. Given the many issues that are involved in “truth recovery” we realise that further discussion will be required. Following further discussions in the autumn and having received feedback from within our constituencies to the Preliminary Paper we hope to produce a public Consultation Document by the end of 2004. This Document will not only serve as our contribution to the wider debates regarding a truth commission for Northern Ireland, but it will also provide a clear challenge to any attempts to impose a “truth” process.

FEARS/BARRIERS/CONCERNS/COSTS

Current political context: “the conflict is not over”

There is an obvious concern about the timing of any “truth process”: How can a “truth recovery” process work in a political context where a clear, final political/constitutional settlement has not yet taken place? Those advocating truth commissions often claim that these processes help deeply divided societies to deal with a painful past. In the context of Northern Ireland, however, the painful political conflict is not yet past. Brian Feeney quoted in an Irish News article states, “There have been about 40 truth and reconciliation processes around the world in places like South Africa and Peru. The only time they have worked is when the conflict has definitely come to an end. That is not the case here.”⁵

Discussion during the above-mentioned meetings stressed how volatile the political situation still is in many parts. People in loyalist areas feel their culture and future to be under threat by a “republican war” carried out by politics and propaganda. In fact it was stated that in some areas the sectarianism on the ground is now worse than it was 10 years ago prior to the announcement of the ceasefires. The initial optimism and goodwill generated by The Good Friday/Belfast Agreement has all but evaporated in loyalist areas.

In this kind of unstable, unsettled political context, a “truth process” that attempts to open up old wounds runs a real risk of re-igniting violent conflict instead of helping society to move beyond the Troubles. Many

³ Dan McGinn; ORDE CLAIM “A DISGRACE”; Newsletter, 31 May 2004.

⁴ Paul Murphy; Dealing With Past To Build A Better Future—Murphy; <http://www.nio.gov.uk/press/040527a.htm>

⁵ Barry McCaffrey; Truth process would be “part of conflict”; Irish News, 31 May 2004.

wounds are still too raw for a “truth process” to have a realistic chance of succeeding. Under such circumstances, any “truth process” runs the risk of indoctrinating a more “militant” younger generation with hatred and providing justification for continuing conflict.

Size of population: “the intimacy of the conflict”

Given the small size of the population of Northern Ireland (around 1.5 million people), in which a huge proportion of those affected by and those participating in armed conflict come from specific areas such as West and North Belfast, there is a concern that “everybody knows one another”. If someone was to make a public statement about his or her past activities there will be no place to hide. Not only will that person face high risks in terms of personal safety, but his or her family will also be endangered.

The individual and family costs of someone disclosing past activities are increased by the fact that on this island people tend to have very long memories. Once someone is branded with having done something seen to be wrong, their children and even grandchildren may have to live with the long-term legacy of those past actions.

Uncovering “truth”—vulnerability of loyalists

Loyalist activists/ex-combatants/paramilitaries are particularly vulnerable to a “truth process” for they have never enjoyed the same level of legitimacy in their community as have republicans. While loyalists don’t feel that “we have to make excuses for the fact that many of us were prepared to take up arms to defend our community against the threat of armed republicanism, given the inability of the state to provide adequate protection”, experience has shown that pro-state paramilitaries typically have more difficulty justifying their actions than those who disguise theirs with the language of a “liberation struggle against a colonialist regime”.

Loyalists have never accepted the argument that the republican campaign was a war of national liberation against a colonial power. They saw the conflict as one that involved two communities with two different attitudes towards the state—the unionist community, which was pro-state; and the nationalist community, which was anti-state. It was as simple as that—a civil conflict in which the two main protagonists were the unionist and the nationalist communities.

The UVF and RHC were pro-state paramilitaries in the sense that they supported the desire of the unionist community of Northern Ireland to remain part of the British state. The republican armed groups were seen as the physical force component of a wider opposing force—the nationalist community. The nationalist community that gave birth to, nurtured and sustained the republican campaign, and that provided armed republicans with the political rationale for their campaign, was the enemy that stood behind the republican terror campaign and therefore was, in the eyes of the UVF/RHC, culpable.

Pro-state paramilitaries are stigmatised for carrying their campaign to the community that they regarded as the real enemy for which the republican armed groups were the cutting edge. That nationalist community was, for many young loyalists, as responsible for their armed groups as Germany or Japan was for their armies of aggression. That is something that neither the state nor middle unionism will accept (at least not openly). Consequently it is feared they will use any supposed truth recovery process to isolate loyalist paramilitaries as criminal gangs who operated on the fringes of the pro-British community. Why, then, should loyalists participate in a process that could officially write them off as criminals?

The ongoing stigmatisation, criminalisation and even demonisation of loyalist ex-prisoners, especially within unionist circles (“middle unionism”), clearly suggest that it would be foolish for any loyalists who have not been successfully prosecuted to expose any of their actions before a truth commission.

Especially in rural areas, a loyalist ex-prisoner is marked out by the rest of the community. After release from prison many of these former political prisoners have managed over the years to achieve a limited degree of acceptance in their communities, but prejudices remain just below the surface. If people are reminded of certain past actions or if new “dirty details” were to be exposed, the door would certainly be slammed in the face of ex-prisoners who are trying to make a contribution in their community or to live normal lives. Many people who are now prepared to work with some of these ex-prisoners may no longer be prepared to do so. For those who wish to continue their work, life could be made uncomfortable for them.

This kind of discrimination is less visible in urban areas given the larger concentrations of ex-prisoners, but the negative attitudes amongst those from the comfortable, leafy suburbs are the same as those amongst rural unionists.

In other words, any “truth” process that would require individual ex-prisoners or ex-combatants to give public testimony about specific past actions will most likely contribute to the continuing demonisation of these loyalist activists. It is very difficult for them to see any benefit from such a process and therefore there is very little chance that they will co-operate/participate.

Families

There are specific fears about the impact of public disclosure on the families of those “telling the truth”. Imprisonment had a huge impact on the families of loyalist prisoners. Many of them not only had to endure the absence of a father/husband, but were also stigmatised in various ways in the community. Children were often taunted with “your dad is a jail bird”, many wives were followed when they did their shopping, were viewed as “available” or “loose women”, or were “looked down upon” or pitied. People have found ways of dealing with the hardships of partners and fathers in prison, including undeserved guilt by association. However, they want those difficulties to remain buried in the past now; they want to draw a line under those times; they are not prepared to revisit those bad days.

Revisiting what was done in the past furthermore runs the risk of not being understood by the current/younger generation. Children today will probably find it difficult to imagine the threats and fears that inspired their fathers to take up arms. Once their fathers became involved in the “dirty war” a certain hardening often took place, which will be difficult to understand unless one has been in the same situation and political context. Thus a “truth process” might well harm relationships between older and younger generations in loyalist areas.

Healing?

A further concern relates to the idea that a “truth process” is supposed to contribute to “healing” or even “reconciliation”. However, if this healing or reconciliation requires loyalist ex-prisoners/ex-combatants to stand up and say that they are sorry, then there is little chance of success. During the announcement of the loyalist ceasefires in 1994 a collective apology was offered for the suffering caused to all innocent civilians over the last 30 years. This apology must not be misunderstood as a rejection of the political cause for which loyalists fought. If a situation were to arise again where an attempt is made to violently impose a united Ireland on loyalists, or if they felt that their communities were again under the same levels of threat from armed republicanism, then they would not hesitate to respond with armed resistance.

The concern is that if loyalists were to make statements before a commission where victims were expecting an apology, then their lack of political remorse might be experienced as salt rubbed into the victims’ wounds, which is unlikely to contribute to healing.

A related problem might arise from moral pressure being put on people to participate in a “truth process”. If people choose for good reasons (such as those mentioned above) not to participate, they might be portrayed as callous, or less than human, or insensitive to the needs of victims. Thus a “truth process” that makes unrealistic demands on “perpetrators” to show remorse etc, might actually widen the gap between perceived victims and perceived perpetrators.

Whose agenda is it anyway?

There is deep suspicion amongst loyalists about the high potential for a “truth process” to be abused by republicans to suit their political agenda. A repeated concern expressed was that republicans—who are seen to be very skilful in the art of propaganda—would use a “truth commission” as a stick to beat the British state with. As such, the process will be a convenient instrument to blame the British state and “its surrogates” for everything, providing justification for their war, thus allowing them to be let off the hook. If this were to happen it will merely add further insult to the injuries of British/Protestant victims.

Contrary to what they claim, republicans have been involved in many actions against civilians, in both communities—examples include La Mon, Shankill, Teebane, Enniskillen, Kingsmills, Tullyvallen and the Disappeared. There is little faith that republicans will honestly expose these dirty deeds before a “truth commission”.

There are also serious doubts amongst loyalists about the agenda of the British state in some kind of “truth process” for Northern Ireland. This recent interest is seen as a public relations exercise without any real commitment, a convenient, pragmatic alternative to a costly series of tribunals, or as a way to avoid their own involvement in the conflict.

AVENUES FOR FURTHER EXPLORATION?

During the various discussions held thus far a number of points were raised which might be seen as potential benefits of a “truth process”. There has not been adequate opportunity to explore these possibilities, but they are listed below:

- How do we counter the tendency for loyalist ex-prisoners/paramilitaries to be scapegoated? How do we ensure that other groups and institutions, such as government, media, churches, business and non-combatants, accept responsibility for their role in the conflict?

- How do we stop the endless stream of one-sided inquiries? Is there an alternative to these expensive public inquiries, which are sapping away at the confidence of unionist/loyalist communities? How do we address the current imbalance in favour of republicans? Is there a better way to “put things to bed”?
- How do we tell the story/stories of our community, warts and all? How do we get the truth out as we see it? This might help to counter demonisation, as well as the overemphasis on republican stories. Unless our stories are told, the future teaching of history will remain one-sided.

CONCLUDING REMARKS

The discussions thus far demonstrate that any type of “truth process” has little chance of succeeding unless a clear answer is provided to this question: What are the benefits for loyalism in any truth process?

Witnesses: Mr Tom Roberts, Director, Ex-Prisoner Interpretative Centre (EPIC) and Mr William Smith, Development Worker, EPIC, examined.

Q1 Chairman: Good afternoon, may I apologise again for the shambles of last week.

Mr Roberts: We were not involved.

Mr Smith: We heard about it.

Q2 Chairman: I have no doubt everybody has heard about it—I never said you were responsible. Sometimes the wheels of democracy do not run that smoothly. As you know, we are looking at whether or not to recommend that we go down the path of some sort of reconciliation inquiry to deal with the past. We have not by any means decided that we will recommend to do this, but we just thought it was a subject, since the Government is thinking about it, that we ought to take a look at from a different perspective, if you like. That is what we are about and we are very grateful to you both for coming to give evidence. I took the decision, with the Committee’s agreement, that we would conduct all of the hearings dealing with victims of one sort or another in private, partly because I thought people might feel more free to talk—although of course the evidence will eventually be made public—but also because it occurred to me that one or two people might want to make some sort of statement, if they thought the television cameras were on them, which would not be altogether helpful. Perhaps you could start by telling us a bit about what the main objectives of your organisation are, what support you provide to the families of loyalist ex-prisoners and how your work, if it has, has extended beyond ex-prisoners and their families.

Mr Roberts: I will open on that. EPIC was set up really in the late Eighties/early 1990s when large numbers of prisoners began to be released; these were people who had been imprisoned during the Seventies and it became apparent that they were experiencing difficulties for a whole host of reasons. Our organisation was set up to look at the problems associated with a certain constituency of those prisoners, namely ones with a Ulster Volunteer Force or Red Hand Commando background. We dealt with all the obvious things that prisoners would experience when they get out, people who have been away for quite a long time, perhaps their relationships have broken up, their parents were dead or if they were not married or in a relationship, they found difficulties around housing, accessing welfare rights, so we would have provided a lot of

care for them in that respect, and also pointed them in the direction of training, hopefully with the objective of getting into fulltime employment again. Those types of things went on for quite a number of years and we also lobbied around all the legislative barriers that exist to prevent ex-prisoners accessing employment and other services. As I say, that type of thing went on for quite a number of years and then after the Good Friday or Belfast Agreement, whichever you call it, the vast majority of prisoners were released about 2000, and after that our work began to change. Along the way as well we created opportunities for ex-prisoners to become involved in peace-building activities, and we would like to think that ex-prisoners have played a role in achieving ceasefires etc and moving us on to a more peaceful scenario.

Q3 Chairman: Prior to 2000, I think you said, you were just dealing with those prisoners who had come to the end of their time and were being released.

Mr Roberts: Those who had been released by the normal mechanisms.

Q4 Chairman: Through having served their sentences.

Mr Roberts: Yes.

Q5 Chairman: At what sort of rate were they coming to you or were you approaching them, what sort of numbers are we talking about before the main thrust of people who all came out as a result of Good Friday?

Mr Roberts: The first life sentence prisoners began to be released about the late 1980s and there was a considerable number released then, in the late Eighties and early Nineties.

Q6 Chairman: You say a considerable number, can you help us: 50, 60?

Mr Roberts: It varied, it is very difficult to put a figure on it. We would have prisoners who would have been released in the Seventies who had not access to our services and we would have people coming who had been released from prison maybe 10 or 12 years and who were still experiencing problems.

2 February 2005 Mr Tom Roberts and Mr William Smith

Q7 Chairman: How many people did you have on your books before the main influx?

Mr Smith: The estimate is that there were 15,000 loyalist ex-prisoners over 30 years of the conflict.

Q8 Chairman: 15,000?

Mr Smith: Yes, we are talking about 30 years of conflict here. It is estimated that we would probably have represented half of those people and the UDAM represented the other half. 95% of those people did not benefit out of the Belfast Agreement, the vast majority of ex-prisoners served their full sentences, there was only something like 200 to 300 prisoners released under the Good Friday Agreement.

Q9 Chairman: What are your main methods of support for the families in particular of the loyalist ex-prisoners?

Mr Roberts: We provide a welfare rights service, we provide direct counselling services for those prisoners who are experiencing emotional difficulties, but the main thrust of our work has been to try to influence those agencies who have an input into the legislation that affects ex-prisoners from regaining their full citizenship if you like.

Q10 Chairman: Has your work extended beyond the ex-prisoners and their families?

Mr Roberts: Very much so. We have tried to create opportunities where ex-prisoners can engage with adversaries from the other side of the community, with a view to building an understanding in the hope that we will never return to the violent confrontations that we have had in the past.

Q11 Chairman: How, from your perspective, has the British Government performed in meeting its commitments to the reintegration of ex-prisoners contained in the Belfast Agreement?

Mr Smith: Under the Belfast Agreement both the Irish Government and the British Government agreed to help and assist in the reintegration of ex-prisoners in their communities; they have both failed in that. For instance, the discriminatory legislation against them is still there and ex-prisoners cannot get a taxi licence and drive taxis because they are ex-prisoners. They are not entitled to compensation because they are ex-prisoners, even though they are out of prison. For instance, next week we will be representing an ex-prisoner in a compensation claim because he has been denied compensation. He was assaulted in Banbridge last year by a crowd of people and put in intensive care. He applied for compensation as any normal person would do, but he has been denied it because he is an ex-prisoner. So the Governments need to change the legislation, prisoners are not asking for anything more than ordinary people, we are asking for a level playing field.

Q12 Chairman: What are the major current issues as you see it for ex-prisoners and their families?

Mr Roberts: The major thing as I see it is you have got political parties and I think the Government is quite rightly calling for paramilitarism to be consigned to history if you like. We would say that if ex-prisoners are given the opportunity, in my view the majority of former paramilitary activists would have served a prison sentence of some sort over the course of the conflict, so if these people are not given the opportunity to resume a normal life with a normal access to employment, then it gives some sort of excuse perhaps for some of the nefarious activity that exists. We believe that if the Governments are serious they need to create a road where people who, if they were principled in the stand that they took as regards paramilitarism, let them walk up this road and let other mechanisms deal with those who want to indulge in this nefarious activity that I am talking about.

Q13 Chairman: I think you used the phrase “normal access to employment”, how do they not have normal access?

Mr Roberts: If I could use myself as an example as a former prisoner who had a reasonably good career before I went into prison, I thought I had enhanced my prospects of employment by gaining an honours degree when I was in prison, but it did not make any difference and all the avenues for employment were blocked that would have enabled me to put the degree that I gained to good use.

Q14 Chairman: They were blocked for you because you had been in prison.

Mr Roberts: Yes. For instance, I was employed by Post Office Telephones, now British Telecom, but that career was blocked to me when I came out of prison, even though I had enhanced my educational achievement while in prison. I am just using myself as an example, that is not untypical.

Q15 Chairman: There is no better example than one's personal experience. Why do you think reintegration is important to reconciliation?

Mr Roberts: If you are going to marginalise a particular constituency within the community then to me it is a recipe for resentment and perhaps more trouble down the road.

Chairman: Thank you. The Reverend Martin Smyth.

Q16 Reverend Smyth: Can I just go back on this question of the law and prisoners? Am I right in saying that that law is just dealing with those who were convicted of terrorist offences, it is not dealing with all prisoners, and as a result if a person who is out living a normal life now happened to be attacked or involved in some incident, he could not claim compensation because he was imprisoned at an earlier stage for terrorist offences. I contrast two people that I am thinking of, out together, and one had a minor injury, the other became quadriplegic. The one with the minor injury got compensation because he had not been in prison as a terrorist,

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whereas the other one, although living a normal life and having broken with terrorism, has not got compensation. Is that what you are actually saying?

Mr Smith: The guy I was talking about was convicted of throwing a petrol bomb when he was 16 years of age, he was not convicted of a terrorist offence, yet he was refused compensation.

Q17 Chairman: When you say not of a terrorist offence, these are the scheduled offences.

Mr Smith: Yes.

Q18 Chairman: Throwing a petrol bomb, is that not a scheduled offence?

Mr Smith: It is a scheduled offence, it is not a terrorist offence.

Q19 Chairman: What is the difference?

Mr Smith: He was not a paramilitary, it was an individual act.

Mr Roberts: The case that you are referring to I am pretty well aware of, and it seems to me it is a very unjust case. The guy had been released for I think 15 or 16 years, married with children and had moved on and he was just shot in a random sectarian shooting—not even a sectarian shooting, I think it was a doorman who was under threat, they wanted to shoot the doorman but he was caught walking past and he finished up paraplegic and he has been denied compensation. It seems to me very unjust that that should happen.

Mr Smith: He was only 16 when he was convicted of throwing a petrol bomb. Regarding the employment thing could I also say that it is not just ex-prisoners, it is their children who are discriminated against, especially by the civil service. The civil service have a policy of checking back on people's backgrounds, so it is not just the prisoners themselves, the whole family is persecuted as well.

Q20 Chairman: Is that right across the civil service or just in sensitive areas?

Mr Smith: It is right across the civil services.

Q21 Chairman: It is right across, it is not in areas involving security?

Mr Smith: No, right across the civil service, and also in the Armed Forces.

Q22 Chairman: Is that a stated civil service policy?

Mr Smith: Yes.

Mr Roberts: I need to point out that we would not go to the extreme and advocate, as Republicans do, that former prisoners should be involved in the police service because pragmatism tends to kick in there, we do realise that.

Chairman: I understand that. Mr Roy Beggs.

Q23 Mr Beggs: Good afternoon. Why did EPIC decide to open the debate within loyalism about truth recovery and why was the debate confined to being within loyalism rather than a wider cross-community debate?

Mr Roberts: We do not claim to speak for all of loyalism, we are talking about one particular element within loyalism, so being quite modest in what we can do we felt it was a starting point to look at our own constituency, given the fragmentation within loyalism and even unionism for that matter, I am sure you will all be aware of the difficulties to get a gathering where loyalists and unionists in their entirety would look at this problem, so we decided to make a modest start and look at it from our own constituency.

Q24 Mr Beggs: So your report then would have a restricted range of views even within loyalism.

Mr Roberts: Very much so, but why we produced this interim report was that it became apparent to us pretty quickly that the view within our constituency was not unlike that within broader unionism and loyalism, in that there is a resistance to any sort of truth process because one of the primary reasons that we see is that republicans are using this as a weapon to put the British Government and all its surrogates in the dock if you like, they seem to want to make everybody else accountable for their role in the conflict except themselves.

Q25 Mr Beggs: Were loyalist victims of the Troubles involved in your discussions and debate?

Mr Roberts: It would depend on what you would define as victims; there is a huge debate about what constitutes a victim in Northern Ireland and I do agree that there are degrees of victimhood, but I presume the victims that you are talking about are what are termed innocent victims. A lot of ex-prisoners who were involved in the conflict, much of their motivation for becoming involved was that they were victims in that their friends and relatives had been murdered or maimed as a result of the Republican onslaught on our community.

Q26 Reverend Smyth: I took it from you that you felt that the British Government may have something to gain with a truth recovery process; what do you think they would gain from it?

Mr Roberts: One of the obvious things that the British Government could gain from it is that it could possibly put to rest this endless stream of one-sided inquiries that presently exist, so that would be the obvious benefit. You have quite an expensive series of inquiries going on such as Bloody Sunday and if people do not get the right answers, or what they consider are the answers they want to hear out of Bloody Sunday, it will have been a waste of time.

Q27 Reverend Smyth: Who do you think has the most to gain from a truth inquiry?

Mr Smith: I would say the republicans.

Q28 Reverend Smyth: What are the main reasons why you ultimately come out against a truth inquiry?

Mr Roberts: There are lots of reasons which are tabulated in the document.

Q29 Reverend Smyth: Can we put them on the record?

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Mr Roberts: The conflict in a sense is not over here; hopefully the main degree of the violent conflict has drawn to a close but you have two irreconcilable political ideologies in Northern Ireland and a truth recovery process is liable, in our opinion, to do more harm than good if it rekindles all the old hatreds and resentments of the past. Certainly, we are aware of the plight of victims and would be sympathetic to any measures that would be put in place to assuage their suffering, but we find that the more we probe into this whole notion of truth recovery the more overwhelming it becomes because there are so many different needs and, to me, it would be difficult to find a concise answer to all of that.

Q30 Reverend Smyth: Are there any people within your own constituency who you think would really want to know what happened to loved ones and would like to see some disclosure on these issues?

Mr Smith: The vast majority of people we have met who are victims do not want it. A lot of people live with their misery or their grief in their own way and they do not want these big inquiries. I would like to say too that although we are from one section of loyalism I would say that the views expressed on it would probably be for the majority of loyalism, that people do not want to go down this road.

Q31 Reverend Smyth: Is there underneath a concern arising, for example from the so-called Bloody Sunday inquiry, that they may not even get to the truth and you would have half-truths flying around?

Mr Roberts: What came across in our deliberations was that there was an agreement that republicans seem to be driving some sort of process towards truth, and people were asking the question if you have the likes of Gerry Adams who, at this point in time, cannot even admit he was a member of the IRA, then what truth are they talking about.

Q32 Chairman: I do not think he has gone as far as to say he was never a member of the IRA; I keep asking him when he left but he will not answer that question.

Mr Smith: The other thing too is what is truth? That was one of the questions that we came up with, what is truth? Whose truth is it? We do not see any benefits, either of us here, and who is going to go into the dock and talk about the wee man with the black bag over his head who was shot by somebody on a lonely road? Who is going to come up and say "I did that, this is why I did it"? People are not going to say that.

Chairman: There are many problems. Mr Iain Luke.

Q33 Mr Luke: I take it from your comments then that you do not think there is any place for an official truth recovery project in the efforts to reintegrate loyalist ex-prisoners into society, and if there is it has to be balanced on both sides of the community with the republicans being as truthful.

Mr Roberts: I do not see a direct relation really between truth recovery and the reintegration of prisoners; from the perspective of a truth recovery process I think the question of reintegration needs to be addressed in isolation from that.

Mr Smith: For only 25% of the people who were killed in Northern Ireland were people convicted; 75% of murders remain unsolved, so why would perpetrators come forward now.

Q34 Mr Luke: But surely the official truth recovery project, if it worked properly, could remove some of the barriers that you have already outlined that block not only people like yourselves but your families from entering professions like the civil service or the army; would that not be a positive thing?

Mr Smith: But you have misconceptions there, you are blaming the prisoners for all the people that were killed in Northern Ireland; what I am saying to you is 75% of murders in Northern Ireland are unsolved. In fact, the chief constable is now forming a task force to try and get the people who have escaped the law and who are now living and working with their families. What is that going to do, especially with the size of Northern Ireland where everybody knows Uncle Tom Cobleigh and all? People are not going to do that, so you cannot blame the prisoners for the whole of the people that were killed in the conflict.

Chairman: Bill Tynan.

Q35 Mr Tynan: Thank you, chair, good afternoon. Do you think that truth recovery would affect the families or how do you think it would affect the families of loyalist ex-prisoners?

Mr Smith: We are talking about the loyalist community, and there are people who have killed people who were not caught. If they were to admit the things that they did their whole family would suffer. There are only one and a half million people in Northern Ireland and everybody in each community knows everybody and for somebody to get up, having escaped the law, who now has a family and a job—there is no way they are going to say "I murdered two blokes 20 years ago", especially with the discriminations that you have for the existing ex-prisoners population. You imagine what would happen if there was some guy who was working in a bank or working in a hospital and he says "I murdered Joe Bloggs 20 years ago", he would be out of work for a start, his family would be affected, his kids would be affected, he would be on TV and the kids would see him.

Q36 Mr Tynan: So you think that individuals would not participate in admitting to crimes because to do so could affect their families?

Mr Roberts: The best case scenario that I could see personally at the moment is some sort of blanket acknowledgement at an organisational level that they have caused great harm or whatever, but on an individual level, as William said, it would be very difficult in the society that we live in for anybody to

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voluntarily expose their role in the conflict, given the treatment of those who have involuntarily had their role exposed.

Q37 Mr Tynan: In your opinion would the truth recovery re-open old wounds?

Mr Smith: There is a train of thought among some scholars etc that this type of recovery thing actually does more damage and opens up wounds. As I say, you could be living two streets away from a guy who gets up and says "I murdered your brother 20 years ago", it is only going to open up old wounds. In fact it will do more damage.

Mr Roberts: Within Northern Ireland society there tend to be long memories because people are still suffering for the sins of their grandfathers.

Q38 Chairman: It goes back further than that.

Mr Smith: It goes back to about 1690 or something.

Q39 Mr Tynan: What impact would a truth recovery process have on the children of ex-prisoners? How do you see that impacting if there was a truth recovery and the children then found out that their fathers had been specifically involved in crimes which they might find abhorrent?

Mr Smith: Put yourself in the position of an 18 year old or a 20 year old and your dad comes up and says, "Yes, I murdered three people"; how would you feel? Your total relationship would be affected. People are not going to do that.

Mr Roberts: Again, if I use a personal example, my children were both under the age of two when I went to prison and they obviously had no influence on my day to day actions, yet they are still restricted in certain facets of their lives because I was in prison.

Q40 Mr Tynan: You say that a general acknowledgement might be the only way that you would see organisations taking responsibility. Looking on the positive side, is there anything that could be done?

Mr Roberts: I think in terms of individual responsibility I do not believe that is ever a runner, certainly with the present dispensation that we have. If there are other things that can be done—I do not think, for instance, that there has been adequate reparation, financial or otherwise towards victims, and I do not know whether that is an avenue that could be explored with a view to helping in whatever way they need help.

Mr Tynan: Thank you, chair.

Chairman: Mr Stephen Hepburn.

Q41 Mr Hepburn: You have said that you do not think ex-paramilitaries would come forward to speak the truth to any Commission, but do you think the possibility of immunity from prosecution would assist the process?

Mr Smith: That is not the issue. There are only one and a half million people who live in Northern Ireland, so for all those reasons people are not going to come forward. I would say quite clearly that there is no chance.

Mr Roberts: The other thing too that came across about the benefits of a truth commission, the South African one is the one that is constantly held up as a panacea for all the ills, if you like, but in real terms a very small minority of people participated in it.

Chairman: Mr Tony Clarke.

Q42 Mr Clarke: Thank you, chairman. You spoke earlier on, I suppose quite sensibly, about the pressures on an individual who may have murdered Joe Bloggs 20 years ago and not wanting to deal with that publicly in terms of seeing his face on the television. Do you accept that there is still an internal wound there for him and do you consider that remembering is therapeutic, or is there an issue there, irrespective of the public hurt—

Mr Smith: I think people deal with it in their own way; everybody deals with things in their own way, and it is not peculiar to Northern Ireland. People deal with it in their own way, the same as victims deal with it in their own way.

Q43 Mr Clarke: I noticed in your submission that quite often you deal with this issue about whether or not healing is therapeutic and you question that it may not be. You also talk about the truth recovery process widening the gap between victim and perpetrator; how do you suggest that would happen or why would that happen?

Mr Roberts: One of the examples we used there was if victims were expecting an apology and remorse and that was not forthcoming, that could be seen as callous on behalf of the organisation or individual who was admitting liability.

Q44 Mr Clarke: What you are saying there, just to be clear, is that there are a couple of ifs in there: if the truth recovery process was one that included the need for an apology then it could widen the gap.

Mr Roberts: Very much so. There are probably people who have been victimised and are living maybe in ignorant bliss of who inflicted the harm upon them, and if it happens to be their next door neighbour across the field who set them or their loved one up for assassination or whatever, what sort of consequences would that have?

Q45 Mr Clarke: It certainly raises for us a fascinating issue in terms of trying to find out whether or not a truth process can be therapeutic or whether it is more damaging, and I think that is something that the Committee will return to. The other thing that is mentioned is the impacts on the younger generation in terms of what do we do about a younger generation who, thankfully, over the last few years have not been as involved and have not seen as much violence on their streets as would have been the case in the past. What are your views, is it better to allow the younger generation to distance themselves from the old mindset by not informing them, or is it better to make sure they learn about the suffering caused in the past so that they can see that as a lesson not to get involved themselves? Is it best to tell the younger generation what happened or just ignore it?

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Mr Smith: What you are saying there regarding the conflict and young people, our young people now probably want people to forget about paramilitarism and not start opening up old wounds here. For instance, the Bloody Sunday inquiry, people in Northern Ireland are bloody sick of it, every day on the TV about the Bloody Sunday inquiry. We had the Omagh bombing, was it because it was a cross-community bomb that there was so much interest, but there were 3000 more people killed by bombs and there does not seem to be the same emphasis, so everybody wants an inquiry into the bombs that went off. So I do not see this as being anything positive, if young people want to learn there are school books and history books and the internet or whatever, if they want to learn, but the exposure that there would be on television etc, I do not think it would be helpful to the children.

Mr Clarke: Thank you for that, thank you, chairman.

Q46 Chairman: I do not know quite how to phrase this: those who have been convicted of what they have done and therefore the offences are known about, do you not think it would be helpful—and this is not just one side or the other it is both sides—if some sort of remorse or regret was expressed for the victims to try and help people put it behind them? Is that not just a start, we did this because we came from one side of the community or the other and we thought at the time we were serving our community's interest but it turns out that violence has not helped us and we have to try and put the violence behind us?

Mr Smith: In CLMC's statement of their ceasefire they expressed remorse for the people killed.

Q47 Chairman: You do not think that goes down to individuals?

Mr Smith: No.

Q48 Chairman: Could you say why you do not think individuals—I am not talking about people up in court, there are two types. There are those, as you say, that have never been prosecuted or convicted and there are those who committed some very public crimes and were convicted of them, but have now served their sentence, done their time. Do you not think it would help on both sides if they were to say I am sorry I killed so-and-so, or put this bomb here or did that?

Mr Roberts: Maybe I could answer that in terms of my own situation. I would have preferred to have lived my life and caused no harm to anyone, but given the circumstances that I was brought up in and the political conflict that raged at that time, I certainly was not sorry about what I was engaged in at that time. Certainly, with hindsight there could have been better ways to do things and that is how I would look to give some reparation to the community, use my influence and my experience to impress upon young people that violence is perhaps not the best way to go about resolving conflict. If I can do that then I will have performed some service,

but to express remorse for something that happened 20 or 30 years ago, at that time I believed that what I was doing was right.

Q49 Chairman: You have actually put in words much better the question I was trying to ask you, because that is exactly the point that I am trying to make. You thought what you were doing was right and justified at the time—do not let me put words in your mouth so contradict me if I have got this wrong—you now wish you had not done that because there is a better way of resolving these things than turning to violence.

Mr Roberts: Not at that time there was not.

Q50 Chairman: But now—

Mr Roberts: What I am saying is I wish that I had not been brought into a political environment where political violence was prevalent. Believe me, I could have lived my life a lot easier if I had not become involved in violence.

Q51 Chairman: Please do not think I am in any way trying to be offensive or attacking you because I think this is one of the key points, and you have made a very powerful argument as to why any form of reconciliation will not help, but what I think you were saying is that now, in 2005, "I wish I had realised there was a better way then, although I thought what I was doing was right at the time."

Mr Roberts: No, there is a better way now.

Q52 Chairman: But there was another way then.

Mr Roberts: No, there was not, not in my opinion. At the time when I was involved in violence, the legitimate security forces in Northern Ireland were overwhelmed and republicans were killing our people with impunity; that is why I got involved.

Q53 Chairman: Okay. I am not trying to attack you or anything, I am just trying to get—

Mr Roberts: I am sorry if my response was aggressive.

Q54 Chairman: I just want to get at the heart of what you are saying, Mr Roberts. Mr Mark Tami.

Q55 Mark Tami: Thank you, Chairman. Some of this might be going over old ground, and the chairman has just asked one of my questions so we will leave that out. What do you see as the possible benefits of truth recovery for the loyalist community as a whole?

Mr Roberts: I am not sure. None.

Q56 Mark Tami: None at all?

Mr Roberts: None at all.

Q57 Mark Tami: You do not see anything at all that could come through that process?

Mr Smith: The republican machine is adept at these things, they are better organised, they are long term organised, so the loyalists see inquiries as one-sided.

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Q58 Mark Tami: Yes, the point you made earlier was that you saw things as one-sided, so would this not help the process to have more than one side?

Mr Roberts: There is a different mindset here as well between loyalists and republicans that we could use in an example. I presume the republicans would want a truth process to include something like Loughgall. In my mind, if I was going out on a operation to inflict injury and death on people, and as a result of that I met my own demise, to me that would be legitimate, I would not see the need for an inquiry for the truth about it, because if you are engaged in a war ambush is a legitimate form of combat. That is the type of thing I am saying, it is a different mindset here about what truth is required.

Mr Smith: When I went out to shoot somebody there was three things could have happened: I could have got away, I could be shot dead or I could end up in prison. Any one of those was acceptable to me.

Q59 Mark Tami: I have one final question and I think I probably know the answer to it, but do you intend to convene another meeting to give the loyalist community the chance to explore the possible advantages of truth recovery?

Mr Roberts: What we are waiting for is a response from within our community and without it and then, on that basis, we will decide whether it is worthwhile taking this further at this stage. At this point in time, given the present dispensation that exists, all we say at the minute is there is a tremendous resistance within our own constituency.

Q60 Mark Tami: Have you had any sort of response so far?

Mr Roberts: We have had a good response, even from nationalists and republicans, who at least welcome it from the point of view that our point of view is clearly articulated as to why there is a resistance to a truth recovery process in the community.

Mark Tami: Thank you.

Q61 Chairman: We are getting a very clear indication of your views which you are putting very frankly and helpfully, but there is just one thing that slightly bugs me and that is the fact that you are always referring to your objections in the context that the republicans are better at it and will make more of it than you can. If I can put it this way, that is a negative reason. If there was a way to conduct some form of truth recovery which was not comparative, would you still see no positive benefit at all? Forget the republicans for a minute, but just imagine that you were looking at your community and at the pros and cons of letting it all out, talking about it and trying to put it behind you. I understand your fear that the republicans will make much of this—that is one of the reasons that we are having these hearings in private—there will be platforms and everything else, but put that to one side; can you see no good coming out of this at all?

Mr Smith: To be frank, Ulster says no, and these are the reasons why they say no, and they are elucidated in this document. There are lots of reasons; we could have just turned round and said no, but here are the reasons why. I do not see any benefit.

Q62 Chairman: But every one of your answers has had reference to what the Republicans would do.

Mr Roberts: Not all of them.

Q63 Chairman: If you did not have that anxiety, is there still no good that could come of it?

Mr Roberts: It is a very difficult question to answer, but at this point in time I cannot really see any good. I would not be so insensitive as to try to envisage myself as a victim, but depending on what the definition of a victim is maybe loyalist victims groups feel that there is some benefit. I do not see much evidence of that, though, having talked to loyalist victims of the conflict.

Chairman: Okay. Mr Steve Pound.

Q64 Mr Pound: Gentlemen, I just want to add to the chairman's thanks for the honesty and transparency of the answers you have given, it is greatly appreciated. You referred to the implications of this process earlier on, and I value what you have said. Some experts—and the fact that they are experts does not mean that we should necessarily rule them out—have said that it could be helpful for encounters to take place between former adversaries, and I have actually been at meetings with David Irvine when he has met people who basically were trying to kill him a few years ago. I accept that that may be exceptional, but do you think there is any value in meetings between former adversaries and have you formally or informally put any such meetings in train?

Mr Roberts: I think I alluded to that earlier on when I said we have created opportunities where former prisoners, people who were formerly involved in the conflict, have been able to engage with one another in the hope that we can create a better understanding of one another's positions so that the likelihood of going back to violent means of solving conflict is brought to an end and we can look at other methods that can be used to resolve conflict. We have created lots of opportunities and we are engaged with all sorts of people who are involved in conflict, the police people, the British Army, republicans of various hues and loyalists of various hues as well.

Q65 Mr Pound: I appreciate the initiatives that you have set in train; what are the consequences? Did such meetings take place?

Mr Smith: Today, for instance, I should have been on a web design course along with republican prisoners; that is a joint web design course that we are doing. So it is an ongoing process and we are very heavily involved in that to try to learn in Northern Ireland.

Q66 Mr Pound: Do you think that the outcome of such meetings is productive and helpful?

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Mr Roberts: We would view it as productive, although there has been some disingenuous activity in the past with these engagements, but we are prepared to engage with anyone in the hope that it will make a difference and make the likelihood of violence much more remote than what it has been in the past.

Mr Pound: Thanks very much indeed; I think the rest of the points have been covered, chairman.

Chairman: Thank you. Mr Greg Campbell.

Q67 Mr Campbell: You have made it fairly clear, despite repeated questions about your reaction to the truth recovery project, what your general reaction is to it. Is there any other work that you are doing about attitudes to the past that you have not alluded to as yet in your submission?

Mr Roberts: The only thing that I can say is that what we try to do is look to the future and use our experience to hopefully impress upon our young people that the methods that we used are not appropriate any more, and to try and resolve their difficulties by other means, what we would call conflict transformation, because in our view there is no resolution really to the conflict in Northern Ireland because you have two irreconcilable political ideologies, so if we can transform it from one of violence, that is what we would aspire to do.

Q68 Mr Campbell: You referred earlier to your work with the ex-prisoners groups and the problems that some of them and their families were faced with in terms of employment rights and opportunities. Would you accept though that there would be people in Northern Ireland who have never broken the law in any way, who would have equal difficulties about employment opportunities and chances to gain full employment, who would look at ex-prisoners' complaints about that with some scepticism.

Mr Smith: We have said we do not want to be any better off than anybody else, but what we did say we want is a level playing field. I was convicted in relation to the Troubles; when I go for a job I have to put down my sentence and what I was imprisoned for etc on every application form, which puts me at a complete disadvantage right away. I have been out of prison for over 30 years now and I am still an ex-prisoner, so it never goes away and it is not a level playing field. If I apply for a taxi driver's licence to

work, I cannot get one, it can be objected to, so it is not a level playing field. We are not asking for any more than anybody else, we are just asking to be treated the same.

Q69 Mr Campbell: But you would accept that there are some employment opportunities that would be sensitive, such as security-related employment where you probably would not get the same opportunities.

Mr Smith: I accept that ex-prisoners should not be able to join the police force, but my children should be able to, my relatives should be able to because they have never done anything wrong. That is what we are saying.

Mr Roberts: I accept what you are saying fully, we do not remain in some sort of persecution complex mode and we realise that there are people who have never infringed the law at all who have difficulties in employment, but remove the obstacles and if we are still having difficulties then we are just like everybody else.

Mr Smith: Over particularly the last five or six years loyalism has all been tarred with one brush, that they are all gangsters. But that is not the case, the vast majority of loyalists that we know who are ex-prisoners, are in gainful employment and are working in positive ways within the protestant community. So the issue about community workers, I have been one of the community for over 20 years, since I came out of prison, so there are a lot of positive things from ex-prisoners coming through within the community.

Chairman: Mr Roy Beggs.

Q70 Mr Beggs: One of the most painful crosses that ex-prisoners have to bear is the fact that their children do not get considered at all for posts in the armed services. No reasons are given and I presume that you, like us, would want to know for how long will that be maintained.

Mr Roberts: Certainly, we do not feel that that should exist because you cannot be responsible for the sins of your father; there are lots of these children who were not even born when their fathers were involved in the conflict so why they should be discriminated against is beyond me.

Chairman: Mr Roberts, Mr Smith, thank you very much indeed for being so frank with us. It has been a very interesting session for the Committee, we are very grateful to you.

Memorandum submitted by the Tim Parry Johnathan Ball Trust

1. THE TIM PARRY JOHNATHAN BALL TRUST

We are an educational peace charity which aims to inspire and enable people to lead more peaceful lives by helping them understand the nature and causes of conflict.

The Trust was formed after the IRA attack on Warrington which killed 12 year old Tim Parry and three year old Johnathan Ball. Based in a purpose built state-of-the-art "Peace Centre" we are dedicated to working with adults, children and peace organisations which aim to resolve conflicts at a local, national and international level.

Our vision of “promoting peace and building a better future” is achieved through our mission to “develop peace building skills and change lives”. We do this by delivering educational peace programmes and youth exchanges which challenge perceptions and prejudice and aim to encourage tolerance and the acceptance of diversity.

The Trust also recognises the need to learn from past conflicts through a unique “Legacy Project”. This project is the only work in Great Britain that aims to address the needs of victims and survivors of the “Troubles” who live in Great Britain.

2. TERMS OF REFERENCE

In answer to the Committees’ request for input into the inquiry into “Reconciliation: Ways of Dealing with Northern Ireland’s Past”, the Trust is providing information on the learning gained from its three year Government funded Legacy Project which was set up to identify and meet the needs of Great Britain based victims and survivors of the Northern Ireland “Troubles”.

The aim of providing this information is to offer the Committee an overview of the findings of Legacy Project’s needs analysis launched at Westminster in 2003, which in essence is about how we can deal practically with the impact of the past. In addition, we will give more detail about what we believe needs to be addressed when considering how to deal with the past in terms of a broader Northern Ireland perspective, inclusive of all those affected.

3. THE LEGACY PROJECT

3.1 *Background*

The Legacy Project was established to identify and meet the needs of victims and survivors of the Northern Ireland “Troubles” who live in Great Britain. The project is aimed at those individuals and communities affected by bereavement, injury or trauma that are directly related to the “Troubles”. This includes former soldiers, victims of bombings in Great Britain, their families, bereaved families of soldiers killed in the conflict, emergency services staff who assisted victims, and exiles—those forced into exile in GB as a result of paramilitary intimidation. The Trust launched this “stand alone” project in November 2001 and has since developed a national and international reputation as a leading player in the field of victim support, advocacy and direct services for victims of the “Troubles” in Great Britain.

The Trust has now secured additional funding to consolidate the unique position of the Legacy Project to ensure sustainability and continuing impact, whilst simultaneously concentrating on further partnership and strategic relationship development to reach wider groups of victims/survivors. It is the aim of the Trust to provide long-term services and support to all victims based in GB of global terrorist activities. By utilising the best practice and knowledge developed through the Legacy Project this will widen access to relevant specialist services and support for victims/survivors. The strategic development of the Trust will also ensure that any subsequent work carried out by the Legacy Project will coherently dovetail and complement existing and future Trust programmes.

“I was very apprehensive about coming this weekend—it has changed my mind and helped put me back together—I just hope I can go on staying involved and contribute.”

Anonymous participant in the Legacy Project’s first residential, September 2003.

The Trust commissioned a Needs Analysis Report, into the support needs of GB based victims/survivors of the “Troubles”, the results of which were launched during a dedicated Westminster reception in November 2003. The Trust’s Legacy Project is now implementing the specific recommendations contained in the report for the period November 2004–November 2007, concerning the direct services and advocacy development needs of GB victims/survivors. These recommendations are contained in Annex I.

3.2 *Identified Needs*

Many of the needs identified by the Needs Analysis Report are similar to those faced by other victims of crime. The project therefore aims to facilitate a culture shift to get victims/survivors of the “Troubles” recognised as victims of crime generally. However the context of how or why they became victims is central to the particular needs for victims of the “Troubles”. People in GB, like those in NI, do not feel they have received any recognition and acknowledgment for what they have experienced, either from the Government, paramilitaries, the criminal justice system or the general population. It is only through the work of the Legacy Project that they are being offered the opportunity to tell their story, be listened to and heard for the first time. These events need to be documented as reconciliation includes acknowledgment of the past. This will then facilitate validation, recognition and the ability to learn from other people’s experiences.

The lack of information about where people can go to receive help and information is impacted by the lack of communication and joined-up working between agencies themselves. This is symptomatic of a general lack of understanding and awareness in GB. The context of the “Troubles” is vitally important in the treatment of victims and their reactions to the events. Many people in GB don’t feel a connection to the “Troubles” due to a lack of education and general awareness of GB’s role in the conflict. As such, the perception of the “Troubles” and the cause behind them is very different in GB compared to that in Northern Ireland. This leads to an apathy concerning the conflict, which in turn results in victims’ feeling they have

been catapulted into a conflict that had nothing to do with them. The Legacy Project therefore is providing informal learning opportunities during its residencies concerning the effect that the “Troubles” has had on victims to enable them to gain an insight into the history and impact of the conflict.

Victims and survivors have an array of medical and health related needs, ranging from counselling to hospital care. Psychological needs include PTSD, depression, insomnia, panic attacks and relationship difficulties. Unmet social needs amongst victims have affected victim’s personal lives, work and employment opportunities and contributed to criminal behaviour, terms of imprisonment, homelessness, social isolation and the inability to form and sustain relationships.

Financial needs are exacerbated by a benefits system that has repeatedly proven not to acknowledge or cater for the unique situation of victims, and compensation in lieu of victims’ plight has not been forthcoming. The unsatisfied financial needs of the victims are compounded by the effects of their social and health related needs.

The medical, social and financial needs above will be partially addressed by the project through assisting victims to access information via signposting to more appropriate and specialist provision/support. The project is also working with other agencies and government departments to raise awareness of those needs and work with them to improve existing provision.

The Legacy Project has also uncovered stoicism within victims, where people seem to have accepted what happened to them as an unfortunate part of modern life. Overall they have managed to “cope” and mask their feelings. They do, however, feel let down by the lack of support, care and consideration offered by the Government.

4. RESPONDING TO DEALING WITH THE PAST

The Tim Parry Johnathan Ball Trust is suggesting three other ways of dealing with the past, which link in to the identified needs above, but also form part of our opinion on what should happen. These are:

1. A Truth and Reconciliation Process.
2. Storytelling opportunities.
3. An archive of experiences.

4.1 *Truth and Reconciliation Process*

We believe that at some point in the future there should be a process available for people to come to terms with the past and what has happened. This requires a number of different approaches, but essentially a mechanism for people to find out what and why events happened during the course of the “Troubles”. This would allow many affected people to be able to live a more functional life.

Many societies emerging from conflict have used truth recovery processes and learning from these would be useful in the Northern Ireland context. However, any truth process would need to be unique to Northern Ireland, building on the good practice and experiences of other models, such as in South Africa and Chile.

Our view is that such a process could be helpful in the recovery of victims and survivors from all sides in the conflict. Many people’s lives have been damaged and they are unable to function properly without knowing the details of what actually happened to their loved ones or themselves, and often they need to understand why it happened. With 1,800 unsolved murders during the “Troubles” and countless other unsolved crimes, many people have had little or no criminal justice outcomes which has had a big impact on their lives.

Any such truth process would need some fundamental precedents, in order for the whole of society affected (including people in England, Scotland, Wales and the Republic of Ireland) to move forward. These are:

- The conflict needs to be fully over—a fact that has to have been openly agreed by all sides.
- The truth process needs to be victim centred—the needs of the victims as a priority over the needs of the perpetrators, although in keeping within human rights. Victims should be involved in the negotiations of any agreements prior to a commission being set up.
- Voluntary participation—ie when people are ready to participate. Further trauma could be caused if participants are not ready to talk. Not all victims and survivors would be prepared to participate, and also not everyone needs this kind of process in order to move on.
- Support structures need to be in place for all those testifying, and for any commissioners and support staff such as those in administration.
- Justice and amnesty issues need to be explored and victims need to be involved in the set up of any overall amnesty agreements.
- All parties need to be involved both in the design of and participation in the process, including:
 - Those who have been affected in Northern Ireland, the Republic of Ireland and Great Britain.
 - The British and Irish Governments.

-
- All political parties in Northern Ireland.
 - British Army.
 - Veterans of the conflict.
 - Paramilitary groups from all sides.
 - RUC/PSNI.
 - Former police officers.
 - Victims and survivors from all sides and jurisdictions

Without all parties involvement such a process would be unlikely to work. It may be some years before society is ready to trust such a process, and this is why it's vital that the conflict is considered by all to be over.

4.2 *Storytelling opportunities*

Through its Legacy Project the Trust offers opportunities for victims and survivors to come together and share their experiences. This is enabling victims and survivors to come to terms with their past, by providing the opportunity for those affected to tell their story and be heard and acknowledged by other victims and survivors, which was one of the central needs identified in our report. We also work with many organisations in Northern Ireland and the Republic of Ireland who offer similar programmes, but with a wider range of participants. These groups can consist of victims from all sides, but also include opportunities where victims and survivors can share experiences with former combatants in the conflict. Many single identity workshops are held to help people to engage in these kind of processes with their peers, to assist them to wider dialogues. We recently held a weekend for Northern Ireland veterans and we believe this was the first of its kind for this group. Feedback from our workshops is attached in Annex II.

Our programmes have been developed following models of best practice from the South Africa and Israel/Palestine conflicts and also work with children of Holocaust survivors and Nazi perpetrators. We have previously participated in these programmes and have adapted each programme to the context of the "Troubles", and then to the context of GB victims and survivors.

In South Africa, Father Michael Lapsley established the "Healing of Memories" storytelling programme, which ran alongside the TRC, and is still continuing to address the needs of those who never had the opportunity to testify. Visit the Institute for Healing of Memories website for more information. <http://www.healingofmemories.co.za/index.php?about>

Similarly, Professor Dan Bar-On established "To Reflect and Trust" in 1993, bringing together children of Holocaust survivors and Nazi perpetrators to help address some of the intergenerational trauma issues following World War II. The learning gained from their experiences was vital in the development of their organisation and has now extended to include participants from other conflict zones, such as South Africa, Israel/Palestine and Northern Ireland. See Annex III for more information and contact details.

We feel these programmes have been beneficial in dealing with the past and that more of these opportunities should be available to help Northern Ireland to deal with its past. Although not everyone would want to engage in this kind of process, it would be helpful if this type of support were available in the long term when people are ready.

4.3 *Archive of Experiences*

We strongly advocate the need for public recognition of what has happened. With any Truth processes and storytelling opportunities only a section of the people affected will have the chance to participate. Therefore we are suggesting that a public archive of experiences should be set up. This would be a public space where people could add testimonies of what happened to them, which could be viewed and acknowledged by the general public. Obviously there are many considerations in terms of security and safety of personal information, and how and where it is recorded, but we believe it would be an important and historic documentation of what happened in the conflict. We are currently developing an archive project for our user groups to have a space to record their experiences. Many other organisations have also done this or are currently planning this kind of project. We feel there should be a centralised space provided where all sides of the conflict can come together and acknowledge each others hurt and pain. It would have an educational value for many people and could dispel many myths about the "other" sides in the conflict. The archive could be a collection of pictures, stories, poetry, news clippings and videos that would lead to a valuable collection of history for our society, and could be made available internationally.

The benefits of such an archive are far reaching. Not only would it be a historical collection, but it would be useful for the wider public who have been affected to be able to learn about each sides point of view, this in turn helping with longer term healing.

5. SUMMARY

In summary, the Trust has suggested some ideas for ways of dealing with Northern Ireland's past by providing information on the learning gained from the Legacy Project which was set up to identify and meet the needs of Great Britain based victims and survivors of the Northern Ireland "Troubles". We have also given suggestions on other ways of dealing with the past, including the use of Truth Processes, Storytelling opportunities and a proposed Archive of Experiences. We feel that through the identification of the needs of people on this island, we have suggested some creative ways to address the problems facing all those who have been affected by the conflict, by showing what we are doing to meet the needs here, and by talking about some models of practice from other conflicts.

Our main point to make is that when looking at ways of dealing with Northern Ireland's past, all of the people who have been affected need to be taken into account, regardless of their geographical jurisdiction, and the creation of any healing processes need to involve all those affected in order for them to be successful.

Annex I—List of recommendations

THE LEGACY—A STUDY OF THE NEEDS OF GB VICTIMS AND SURVIVORS OF THE NORTHERN IRELAND "TROUBLES" ISBN: 0-9546378-0-1 (2003) TIM PARRY JOHNATHAN BALL TRUST

PART ONE—THE NEEDS OF GB VICTIMS AND SURVIVORS

Recommendations for Central Government

Strategic Co-ordination

R1. In the continuing Peace Talks in Northern Ireland the needs and human rights of victims of the "Troubles" in Great Britain are formally recognised.

R2. The remit of the Commissioner for Victims and Witnesses in England and Wales includes acting as a voice to promote the interests of victims of the "'Troubles' and terrorism" living in England and Wales in Government, the criminal justice system and more widely. The Scottish Executive should also take this report into consideration when reviewing its "Strategy for Victims" in 2004 to ensure that victims of the "Troubles" who live in Scotland receive the same treatment as their fellow GB victims.

R3. Victims of the "Troubles" in Great Britain are co-opted onto the Victims Advisory Panel, which advises the Government on the delivery of the national strategy to deliver improved services to victims, "A new deal for victims and witnesses".

R4. An Interdepartmental Group is set up by the Home Office Victims' Unit, which should take the lead in co-ordinating a government response to the needs of victims as identified in the report. Victims of the "Troubles" and terrorism in Great Britain should be included in the "A new deal for victims and witnesses" national strategy.

R5. The Victims' Liaison Unit, in conjunction with the Legacy Project and other stakeholders, should organise a conference by the end of this financial year to share best practice and experiences from Northern Ireland. The budget for the conference is likely to be in the region of £25k including the dissemination of the conference report on the Internet.

PTSD and Health Needs: Department of Health

R6. The findings from this report should be fed into the NICE Guidelines on PTSD. The Legacy Project should send a copy of the report to the project team for the PTSD guidelines.

R7. NHS Direct should act as a principal gateway to information and advice for victims of the "Troubles" and terrorism. Victim Support and the Veterans Agency should also be asked if they would be prepared to offer secondary gateways. The Legacy Project is also a key means of signposting those individuals, who present to it as having support needs, to these services.

Emergency Planning

R8. In planning for emergencies arising from a terrorist incident there should be guidance on responding to and meeting the needs of victims and for following victims up over time. The Civil Contingencies Secretariat at the Cabinet Office is asked to take this report into account when it updates the guidance "Dealing with Disaster".

Military Issues

R9. The Veterans Initiative Working Group on veterans' needs should consider this report alongside others.

R10. The Ministry of Defence, in conjunction with the Veterans Initiative, should continue to investigate the most appropriate mechanisms for following up and facilitating support to the bereaved families of military personnel, and for the sharing of good practice.

Recommendations for The Legacy Project

R11. The VLU considers a funding application from the Legacy Project for the development of services to victims (and the delivery of recommendations 12 to 16 below) based on a strategy drawn up before the end of this financial year.

R12. With the support of the Tim Parry Johnathan Ball Trust, the Legacy Project develops a communication strategy for disseminating key findings in this report to selected professional audiences who are in a position to develop or improve access to services in response to them.

R13. The Legacy Project brings together relevant agencies and professionals to develop services based on models of best practice to meet the needs of victims, so that within a year an inter-agency group is established and self-supporting, with one of the partner agencies agreeing to take on the administrative role for a year at a time. Travel expenses for attending meetings would be met by each of the individual partner agencies.

R14. The Legacy Project brings together groups of victims and survivors to tell their stories, be listened to and supported (it may need sessional workers to help to facilitate these events and this should form part of its post-conference submission to the VLU).

R15. The Legacy Project should establish an archive for victims on the Internet and by other means, alongside other organisations, and should explore its use for education, research and knowledge sharing in line with the philosophy underpinning the Tim Parry Johnathan Ball Trust.

R16. The Legacy Project should establish an independent group to develop a support network, inclusive of all groups affected by the Northern Ireland "Troubles" in Great Britain for advocacy and support. The Legacy Project's role should be to support this group for the first two years with the aim of enabling it to function as an independent group and assisting it in finding its own funding.

PART TWO—THE NEEDS OF EXILES

Exiles & Human Rights

R1. In the continuing Peace talks in Northern Ireland the needs and human rights of exiles are publicly recognised and that paramilitary organisations and the parties that represent them agree to an ending of the practice of exiling.

Routes into Exile

R2. Where an exiled housing applicant is accepted as homeless because of housing intimidation in Northern Ireland, he/she is entitled to an emergency payment provided they were a public or private tenant at the time of the intimidation. The receiving local authority housing office in Great Britain should be authorised by the Northern Ireland Housing Executive to make this payment on its behalf. If it were estimated that up to four exiled households might present to housing authorities as homeless in Great Britain per month, this would cost £9,571 at the current emergency payment level of £199.40.

R3. NIACRO continues to place a high priority on Base 2 staff assessing the needs of exiles and their families before they leave Northern Ireland.

R4. Base 2 considers making a proposal for funding from the Strategy Implementation Fund through the Department of Social Development, for a Contingency Fund to assist Base 2 in accessing appropriate services to meet the assessed needs of exiles and their families.

R5. The Department of Social Development in Northern Ireland together with the Social Security Agency issues guidelines clarifying that it will meet the transport costs for those going into exile who are in receipt of benefits and that the Social Security Agency will consider making a non-refundable community care grant to meet these travel costs in cases of emergency need, where someone is being forced to leave Northern Ireland through paramilitary intimidation. In these cases the verification of intimidation by PSNI, the Northern Ireland Housing Executive or BASE 2 should be accepted by the Agency. It is estimated that this could cost the Social Security Agency between £5,000 and £7,000 per annum.

Housing & Accommodation

R6. The Department of Social Development in Northern Ireland draws up guidance for the Office of the Deputy Prime Minister in England and Wales and the Scottish Executive to issue to local authority housing departments on which agencies to contact to verify that intimidation has taken place in Northern Ireland and the circumstances which may have led up to someone being forced into exile. The guidance should clarify that where intimidation has taken place and has resulted in that person and/or family being forced into exile, local authorities have a duty to regard that household as being homeless and to provide temporary accommodation whilst their housing needs are being assessed. Information should be made available within this guidance to local authorities about relevant contact agencies in Northern Ireland including BASE 2.

R7. Local authority housing departments and RSLs should be required by the Office of the Deputy Prime Minister in England and Wales and the Scottish Executive to safeguard and restrict access to personalised information relating to exiles in all cases where there has been verification of intimidation from either the PSNI, Northern Ireland Housing Executive or BASE 2.

R8. The Voluntary and Community Unit within the Department for Social Development reviews the level of funding it provides towards the Home Removal Scheme administered by Bryson House to ensure that the full costs of removal are able to be met for those exiled to Great Britain. The Unit should also review the full contract with Bryson House.

R9. The Department of Social Development in Northern Ireland review the arrangements under the Scheme for the Purchase of Evacuated Dwellings to establish what mechanisms may be put in place to expedite valuations and purchase in the case of exiles.

Welfare Benefits & Finance

R10. In all cases of people being exiled through paramilitary intimidation as verified by the PSNI, Northern Ireland Housing Executive or BASE 2, social security records should be treated as nationally sensitive.

R11. The Department of Social Development and the Social Security Agency undertake an urgent review of the system for transferring benefits for those forced into exile through paramilitary intimidation.

R12. The Social Security Agency works with its colleagues in the benefit system in Great Britain to provide information and advice on dealing with cases involving paramilitary intimidation.

Psychological Factors & Responses to Exile

R13. The findings of this report should be fed into the National Institute for Clinical Excellence (NICE) Guidelines on PTSD.

R14. The Department of Health should consider highlighting the particular sensitivities and needs to be taken account of when dealing with victims and exiles.

Medical Needs

R15. The Department of Health raises awareness with Primary Care Trusts (and within existing guidelines) of the difficulties exiles have with admission onto GPs waiting lists.

Support Needed and Provided

R16. BASE 2 and Maranatha consider forming, together with other relevant helping agencies, an inter-agency group to co-ordinate and promote best practice in responding to the needs of exiles. This group should be encouraged to liaise with the inter-agency group for victims of the "Troubles" that the Legacy Project is to establish.

R17. BASE 2 and Maranatha promote the needs of exiles in journals for social and welfare professionals and encourages the relevant professional bodies to develop training, guidance and awareness-raising on this issue.

R18. Maranatha consults exiles on the potential for the development for self-help and mutual support for exiles by linking individuals or families with those "further down the line".

Annex II

QUOTES FROM PARTICIPANTS IN STORYTELLING RESIDENTIALS

Participant expectations at the outset of the residential:

“To learn & understand more.”

“Being able to tell my story and hear others in a safe supportive environment.”

“To gain confidence and respect.”

“That I would share my story and hear others in a safe way and this would give me opportunities for transformation and healing.”

“To take another step down the long road to understanding my problems.”

“To meet, hear and have dialogue with a group of ex-British soldiers. To relate to the group by listening to their story on how they coped with their time in Northern Ireland and since they became a civilian. The key to this is to relate, to repair and reflect and to be respected and recognised.”

The extent to which participant expectations were met:

“My expectations were met, because a number of veterans talked about their tours of duty and about their problems afterwards.”

“Yes my expectations were more than met. We achieved a lot because we all had a lot in common with each other but it was also achieved by each individual’s truths in their story.”

“Yes, to relate to other people that have suffered in the same way, which I did.”

“Yes I met and shared experiences within a group and felt very moved by other stories.”

“Yes. To hear others to place my problems were I now believe they now lay.”

Feelings regarding the small group storytelling experience:

“Very therapeutic.”

“I find it very moving that people openly share so much of themselves.”

“Very beneficial to me and the rest of the group.”

“This was the most important aspect of the weekend, because the veterans clearly had memories of incidents and issues from the conflict that have affected their lives ever since—and still do so today.”

Most memorable aspect:

“The veterans telling their stories in such a vivid way about events that happened decades ago.”

“I would like to take part in future residential, to be able to take part in helping by my story and experiences. This would help me to go further ahead towards the Legacy Project, understanding and healing.”

“We have now established that many NI veterans have memories and issues to do with the conflict that still haunt them today. But we were only a small group at the weekend and we need to go on and explore other veteran’s experiences and also document their problems and start to formulate solutions—and take all of this to the authorities.”

Annex III

INFORMATION ABOUT TO REFLECT AND TRUST

TO REFLECT AND TRUST (TRT)

Background to the Project

The TRT original grouping is composed of descendants of Holocaust survivors and descendants of Nazi perpetrators who have been meeting annually since 1992.

It focuses on dialogue in which participants share their personal stories, thereby enabling them to reflect on their personal and collective histories as victims and victimisers. This process was initiated by Professor Dan Bar-On (an Israeli psychologist and a specialist in intergenerational transmission of trauma), who developed a socially and historically contextualised approach to group interventions.

In 1998 a new phase of the TRT group started when, during its Hamburg encounter, it brought together professionals, who are working with victims and victimisers in current conflicts: South Africa, Northern Ireland, Israel and Palestinian National Authority. As a result of the networking, important spin-offs have included:

- Representatives of TRT have participated in “Towards Understanding and Healing” residential held in Northern Ireland, and have adapted aspects of the methodology for the work they carry out within their own settings.
- Professor Dan Bar-On has made several trips to Northern Ireland and delivered talks and workshops on his own research and work.
- Samson Munn (committee member/organiser of TRT) is coming to Northern Ireland in June 2002 (brought over by WAVE) to give a talk/workshop on transgenerational impacts of conflict.
- A representative from an Austrian Dialogue Group (which emanated out of the TRT) has visited Northern Ireland and is now seeking funding for a residential to be held in Northern Ireland.
- Through the networking, an architect specialising in architectural memorials is travelling with the TRT group in August to offer support and advice—an itinerary will be arranged to accommodate the needs of interested parties.

The Northern Ireland TRT representation has grown as different individuals attended annual residential organised by TRT since 1998. Members include: Eamonn Deane, Maureen Hetherington, Martin Snoddon, Barney Devine, Andrew Parke, John Lindsay, Jeanette Warke, Yvonne Stewart, Sandra Peake, Joseph Peake. (The residential in August will include a number of the above participants (for continuity) and invite a number of other individuals who are interested in taking this work forward.)

Each year the TRT (1992) Core Group seek funding to hold a residential in a different setting. The TRT body expressed a particular interest in coming to Northern Ireland (as a result of meeting delegates from NI) to examine and explore how the conflict has impacted on the community, the methodologies adopted to cope with conflict resolution and peace building, and the progress that has been made towards healing of individual and collective hurts of the past thirty years of conflict.

Contact Professor Dan Bar-On by email on danbaron@bgumail.bgu.ac.il

A news account of one of his speeches can be found at: <http://www.nahost-politik.de/psychologie/bar-on.htm>

Witness: Ms Jo Dover, Legacy Project Manager, The Tim Parry Johnathan Ball Trust, examined.

Q71 Chairman: First of all we are very sorry indeed about last week, democracy was not running at its smoothest, but thank you very much indeed for coming back. We all know a certain amount about what the Trust does because a number of us came up to visit you—alas I could not do it—but I have had long conversations with Colin Parry. Would you like to start off by just telling us really the purpose of your work with the victims of conflict?

Ms Dover: As you know, the Trust works generally with young people in relation to conflict resolution, but back in 2001 we secured funding to work with victims of conflict who live in Great Britain in England, Scotland and Wales.

Q72 Chairman: Incidentally, where did the funding come from?

Ms Dover: From the Northern Ireland Office. The Legacy Project was set up and started in November 2001 to identify and meet the needs of victims and survivors of the Troubles who live here on this island, and that includes people who were caught up in all the bombs that happened, predominantly in England, whether they were bereaved, injured or witnesses to those bombs; also former soldiers who served in Northern Ireland, families of soldiers killed in Northern Ireland and emergency services workers who attended incidents here as well. That is how it all started.

Q73 Chairman: So it is rather more than civilian victims.

Ms Dover: In terms of numbers there are more ex-soldiers who served, but it is right across the board, anybody basically from here who was affected in some way.

Q74 Chairman: What do you do to meet the practical needs of victims of the Troubles who are based in Great Britain?

Ms Dover: Initially, we had to try and identify the scale of the problem here because there has not really been much research on this island in relation to the Troubles, so back in 2002 we engaged a consultancy company to help us undertake a needs analysis and to identify the numbers of people killed who were from Great Britain—which is 622 out of 3,700, and also there were 628 incidents that involved people from Great Britain—to try and give us an idea of how many people here were affected and where they might be. Obviously, it is difficult to locate everybody because in some of the incidents—for example in London—people could have been from anywhere, they are not necessarily from that community. Then we published the needs analysis and launched it at the House of Commons in November 2003, and I think all of you probably should have been sent it. I have a copy of the actual report here.

2 February 2005 Ms Jo Dover

Q75 Chairman: We have got that.

Ms Dover: And I have some executive summaries if anyone wants to have a look at them to refresh their memories now, identifying what those needs were. That has taken the majority of our time with the three-year funding that we had, which finished last November, to identify the needs before we could go about meeting what they were, and in my paper I have given an indication of what those needs were. As I said in the paper, a lot of those needs were very similar to victims of other kinds of crime, but one of the most important things was the context in which they had been affected was quite important to these people because obviously there was a political and deliberate action behind the events that happened where people were caught up. People in this country have not really felt much of a connection to the Troubles, of the general population many people do not know much about what the whole argument was about and the reasons behind it, and so people who have been affected here have often felt isolated from others because people have a lack of understanding about their experience, and quite often they might have felt that they were catapulted into something that was not anything to do with them. Maybe things have changed a lot, but over the last 35 years there was a lack of communication about where people could go to get particular help in relation to their having been caught up in a bomb or something like this, and so they have not received support from people because they did not know where to go to get help. Quite often, where there was not much communication between agencies, people were falling through the net in terms of services offered as well.

Q76 Chairman: Do you know about the work that An Crann did in Londonderry when they attempted to bring ex-soldiers into contact with local residents?

Ms Dover: Yes. An Crann I do not think exists any more, but there is another organisation that was linked to An Crann, Towards Understanding and Healing, which we work very closely with, and we have brought people from Great Britain into contact with those kinds of experiences, story-telling weekends for example.

Q77 Chairman: Are there any lessons from that?

Ms Dover: Absolutely. Certainly, the people in Northern Ireland need to hear the voice of other people who were connected to the conflict, particularly of ex-soldiers who served over there but then went back and have had no part to play in the peace process. Hearing from them has been very beneficial for the people of Northern Ireland, but equally for the ex-soldiers and the civilians from here who have been caught up in some of the bombs here, it has been very important for them to try and understand why things happened to them, and they can get that from talking to members of the community, former combatants and all those kinds of things.

Chairman: Thank you. The Reverend Martin Smyth.

Q78 Reverend Smyth: I take it that you would agree that reconciliation should be victim-centred.

Ms Dover: We feel that they should be at the heart of it because some of these people have been most directly affected and their lives have been impacted greatly, and their needs have not generally been met. So in terms of reconciliation no party could be forced into those kinds of things and I think that victims need to be at the heart of any kind of process of reconciliation, and probably those who committed any of the acts need to be part of that process as well.

Q79 Reverend Smyth: You have mentioned, for example, the soldiers from outside Northern Ireland, but there are other victims from outside Northern Ireland, even Australian tourists and American tourists, so how do we actually involve victims from outside Northern Ireland in this type of process?

Ms Dover: I think one of the difficulties we found was locating people. There have been some obvious links for us in our own community, but also when there have been other programmes that we have been involved with that happened in Ireland, we have come across victims from the incidents in England, for example, and quite often it has been through word of mouth where somebody knows somebody who knows somebody else. How we actually find people is a difficulty and some people do not want to be found, they do not want to be reminded of what happened and maybe do not need to talk about, but others do. I think it is a really big issue, how you actually find people and how you approach them. There are some ethical concerns about that; I can give you an example: when we were doing our needs analysis we focused on Warrington and Manchester and we discussed how we could contact people who had been injured in Warrington, for example. We happened to have from the time of the bomb a list of names and addresses of people, but we felt ethically we could not actually write to all of them because we could be bringing something up that was very difficult for people and we could not support them and know whether we had reopened an old wound that they did not want to reopen. We looked at how we could contact them and we did it through the use of press and local community groups to ask people to come forward and volunteer to do that if they wanted to, which gave those who did not want to have those wounds reopened the opportunity to stay silent.

Q80 Reverend Smyth: What sort of proportion did you have responding, because I have discovered that when you put an ad in the paper, many people do not see some of these ads, so are we in danger of excluding some people and later on they may feel even more victimised because they did not have an opportunity since it was left to a public announcement?

Ms Dover: I think that is always going to be a difficult. Again, for example, from needs analysis, when we put our publicity out we did not have a huge response. It was around the time of the Iraq

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war and it depends on which papers carry it, whether people read it, all those kinds of things, and you have to catch the right people at the right time. I do not really know any answers as to how you can make any difference, but I do really think that you have to try and encourage people to come through those kinds of processes voluntarily. For example, with our needs analysis, that has happened and it has now been published, and I know there are more people who we know now who may well have participated in it, and we are looking at finding out from them in other ways. It is not going to come out in a report like this, but we can still find out what their needs are and help them through the other services that we are providing, and some of those things may be in our story-telling residentials that we hold, or through our advocacy group that we are setting up to help people by offering more effective service provision, all sorts of other ways; you cannot capture everybody, it is probably impossible, but you can put some other things in place, however, for maybe a later stage, other ways and means of people being able to . . .

Q81 Reverend Smyth: Do you see any risks in focusing on victims when looking at ways of dealing with the past, and if you do see any, what are they?

Ms Dover: I think there are probably risks in all of this in dealing with the past; one of the risks with some of the people who have been most impacted is if they have not had their needs met in relation to medical and psychological needs, if the trauma itself has not been dealt with through identification of things like PTSD, and there are other issues and things that have compounded what is going on for them, and then you bring them in without some of those things being dealt with, you may get different answers or different needs coming up from people. They may say they want the truth and then, when they get it, it may traumatise them further. There are all sorts of possibilities that can happen, so of course there are risks in looking at that, but there are also measures that you can take to try and reduce that by providing support for those kind of things, doing preparation with people before they go into any of those kind of processes. Does that answer your question?

Reverend Smyth: Yes. We have had one piece of evidence which suggested that the victim-centred approach is actually essential, but I want to argue that it is necessary to ensure that the individual does not feel “objectified” by government in a manner that recalls their victimisation.

Chairman: A terrible word.

Q82 Reverend Smyth: It is wonderful phraseology. How can you deal with them, other than in that sense, by objectifying them, when we talk about victims, they are the victims?

Ms Dover: I think the word victims has got a lot of difficult connotations anyway in terms of general public perception of what a victim is. I think it can be very helpful for someone to be able to take a first step to identify that they have been impacted, and I think where some of the dangers are is if that then

becomes their whole way of being, their whole identity, and it can compound some of the trauma that they have gone through. Certainly from some of the people who we work with, on this island, they felt very left out of the peace process, for example, because there was no negotiation or discussion with victims here about things like the release of prisoners. So a lot of those decisions had an impact on them, but they were not even run past them. It is important to try and bring them into these kinds of processes because the trauma can end up creating more division and more difficulties in the future if they are not involved.

Reverend Smyth: Thank you.

Q83 Mr Tynan: Jo, in your submission that you have made to the Committee you say you believe that at some point in the future there should be a process available for people to come to terms with the past and what happened.

Ms Dover: Yes.

Q84 Mr Tynan: Would you view the Government’s initiative to deal with the past, which was announced by the Secretary of State for Northern Ireland in May last year, that this is the right time for that to happen?

Ms Dover: If it is coming from the people involved that that is what is needed then maybe it is an appropriate time, but my feeling personally is that that is not where it is coming from initially. Certainly amongst the people we work with there is a lot of scepticism about that kind of process, and like I said in my paper those kinds of processes, truth recovery processes, need to be when the conflict is agreed to be over, and I am not sure whether that is the way that people, not just in Great Britain, feel at the moment. In order for people to feel safe to tell the truth there has to be a lot of work done in relation to the recriminations and the consequences of that, and I think that maybe we are not quite there yet because there is certainly not agreement on all sides that the conflict is over.

Q85 Mr Tynan: What other pre-conditions would you have in order to put this in order, to ensure success of any inquiry?

Ms Dover: Again, I have said in the paper that I think the most crucial thing for me is that everybody who has been impacted in any way, whether they have carried out atrocities or whether they have been impacted by atrocities, whether they have made policy decisions or carried out jobs in relation to any of the events that happened, everybody needs to be involved in this and there has to be an agreement to be involved. I have listed some of those people, I think they need to be involved in the design of what the process will be like and also then be involved in testifying, all those kinds of things. That includes people not just in Northern Ireland, obviously—and I really welcome the fact that you have invited us here from outside of the geographical conflict—but people from the Republic of Ireland, people from Great Britain and wider afield like you mentioned in Australia and America, the British and Irish

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Governments, obviously, all the parties in Northern Ireland, the British army/MoD, the actual ex-soldiers who are now not members of the British Army or part of the MoD, paramilitary groups from all the different sides, the police and former police officers who are not part of the policing structure now, and of course victims and survivors from all sides in different jurisdictions as well. I think at least all of those need to be involved and possibly more. We are not experts in this, but I think that without representation from all sides there is a potential for continuing conflict and people not feeling part of the process. Of course, you cannot involve everybody; in South Africa they had 22,000 people, I think, in the TRC, but they were only scratching the surface of the amount of people who were actually impacted. It is some kind of public recognition for what has happened that is needed, and I think it is important that all of those people need to be involved in the process and have a stake in it because they are more likely to feel that they can be participate in any kind of process in that sense.

Q86 Mr Tynan: Do you think all those conditions would have to be in place before the inquiry could be a positive contribution to the healing process, or could it be done before all the different steps had been taken?

Ms Dover: I think one of the biggest issues or barriers against this kind of process is trust, and I think there are a number of ways in which that trust can be built up. I have also included in the paper the information around story-telling because I see that as a long term, useful thing for addressing the past, but it is also work that is happening now that can be built on. Somebody mentioned An Crann, there is Towards Understanding Healing, Glencree, all sorts of organisations who are providing opportunities for people from all sides to have contact with each other and hear the stories from each other, and maybe in some cases from people who were victims of the conflict or combatants of the conflict, having the opportunity to hear each other. Those kinds of things could be helpful in the creation of such a process and can happen while some kind of truth process is going on, to deal with the impact of it but also be available in the longer term for those who never got a chance to participate in the process as well. I do think it is very difficult to start something without that trust being gained initially, and I am not sure that that is there yet. It might be difficult to start something if people do not feel that they are going to actually tell the truth or that there is going to be some kind of reparation or some kind of outcome that is going to be beneficial for everybody.

Q87 Mr Tynan: You may feel that people might come here and not be prepared to say that they were involved in the violence and the terrorism and might not be prepared to come and say “I did it; I did it for this reason.” Do you feel that there would need to be groups of them meeting in order to have a discussion?

Ms Dover: It could be individuals. This is probably more a personal opinion but I think that sometimes when you connect with another human being as an individual you are more likely then to advocate that back to your own community and say actually it is not quite so scary to go and talk to someone and I have learned this. I think that is really beneficial, if those kinds of things can go back into the community. Maybe sometimes it might be that a group goes and does something, but I think individuals taking the risk to go and talk and say “Yes, I did do this” or “This happened to me”—I think it can be both, I do not think it has to be one or the other.

Q88 Mr Tynan: It is just getting the conditions right.

Ms Dover: Yes. I have not got any answer to that I am afraid, about how you do that.

Mr Tynan: Thank you, chair.

Q89 Mr Hepburn: Do you think official victim strategies actually address the issues that the victims themselves feel are the most important?

Ms Dover: I think it depends on how the strategy has been formed. In relation to ours, I do not think ours is perfect by any means, but we did a needs analysis and we not only invited people to come and tell us what happened to them to be able to get their perceptions of what their support needs had been, were and are now, but we also interviewed agencies about what they thought they were providing, so what we are doing now is based on what we have been told from the people who have been most directly affected as to what their needs are, and we are now putting strategies in place to deal with that. For me I think that is a useful way of doing it because often strategies can be put in place for the benefit of others, but may not actually have involved them in finding out what is actually needed. So I could not comment on whether some of the strategies that are already in place have or have not involved victims in identifying their needs or in the design, but I think a useful way of looking at meeting needs is to identify them through talking to the people who have been affected.

Q90 Mr Hepburn: In the research that you have been conducting, what needs have been identified for victims in Great Britain and has the Government gone any way to rectify those needs?

Ms Dover: Some of that may come at a later stage. There are several kinds of needs that have been identified, some of them medical needs, health needs, psychological needs; people often if they have been caught up in an incident, find it very difficult in terms of keeping and sustaining employment, all those sorts of problems. Then there are social needs that people have, and also some of the things about recognition and acknowledgement of needs. Some of the people we work with have felt very let down by Government, I can quote somebody who we work with who lost his son, his son was a soldier, and he said that the IRA did what he expected them to do, but the Government’s response to him afterwards, when he writes a letter to the Prime

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Minister and it gets sent off to all different departments, was not what he was expecting, he was expecting to be supported and cared for and looked after, and he felt very strongly that that has not happened. People here have felt that they have not been acknowledged, for the fact that they even exist over here, because a lot of focus and money—rightly so—has gone into Northern Ireland because that is where the majority of the conflict and the majority of the people affected have been, but people are very dispersed within the population here so it is actually very hard to try and meet the needs, and I think some of the geographical difficulties have just been the reality that people have faced. Like I said earlier about the lack of awareness about Northern Ireland, there has been a big impact on people there as well, so the context of what happened for them has been important for some people in what they need to happen, and for others they have just got on and coped and they do not consider Northern Ireland actually to be a big issue. There are a variety of things that have happened; our report made several recommendations to Government and a couple of them have definitely been met, some in relation to us in that we have now secured some further funding to continue our work, which was one of the recommendations, but certainly when we were trying to get it on the agenda one of the MPs who I think used to be on this Committee, Harry Barnes, was instrumental in helping us to get some questions raised in the House and get it onto the agenda of the different Government departments, but some of it I am sure is not able to be followed up because it is quite a small number of people who have been impacted in comparison with the population, and so possibly it is not necessarily going to have an impact. We did not have a response from the Department of Health at all in relation to what we sent them in trying to follow up the recommendations, but nearly all the others did respond one way or the other. Some of the work that we have been funded to do now is about trying to make sure those things are implemented and followed up, so we are creating an inter-agency group to look at the issues we have identified in the report that are wider than just Northern Ireland. The context, obviously, is as important, but some of them are similar for certain other organisations and what they have been facing, so I think we are going to try and work together to change things at a strategic policy level. It is early days to see whether things will change or whether Government will respond, but we live in hope.

Q91 Mark Tami: You have touched on this in some ways in your answer to the last question, but what more do you think Government can do to really engage with the victims? What more do we need to do?

Ms Dover: I do not profess to know all the answers, I can only speak from the people we work with over here, that they feel that they definitely need equal treatment to victims in Northern Ireland and need to be involved in decisions that are being made that affect them. For example, I mentioned the peace process had a massive impact on people over here

but people over here were not involved in any way in that, so if there are decisions being made in relation to Northern Ireland that may well have an impact on people over here, we would say let us find a way, being realistic about it.

Q92 Mark Tami: Would you say that that needs to be formalised in the form of a commission or a victims' ombudsman or something like that, or do you think that is going too far?

Ms Dover: I do not know, it depends on the power and reach of a commissioner or ombudsman and what their purpose is. At the moment, within the Northern Ireland Office, the victims liaison unit that was created after the Bloomfield report has just been disbanded and they have been handing over power to OFMDFM's victims unit for a long time, but we have been given a new department in the Northern Ireland Office—the representative is just behind me—to take over the GB project, but in terms of where people from here now go, where they would have gone to the victims liaison unit, that is a bit unclear at the moment as to where those needs are going to be met. I suppose there is a possibility that they may be met in the new department that is overseeing us, but I think the response I have had from people when I have informed them that that is happening, they are feeling that they have been left out of the process yet again. If an ombudsman or a commissioner was set up it would be useful if their jurisdiction could cover people generally affected by Northern Ireland and not be limited by geographic boundaries. Equally, one of the things that is really important, I think, is that departments that exist in England, Scotland and Wales—for example, the Scottish Executive has a victims department, the Home Office has a victims department, these places need to be utilised for the people who live in England, Scotland and Wales as well and they need to be made aware of the existence of these people and being able to support them as well, which is not currently the situation. Maybe some of the things could be handled more practically in GB, but if decisions in relation to the Troubles victims are being made then it needs to involve people not just from GB but also the Republic of Ireland, some kind of body that can take the needs and the issues forward and make policy decisions in relation to those people as well.

Mark Tami: Thank you.

Q93 Mr Beggs: The Belfast Agreement states that it is essential to acknowledge and address the suffering of victims as a necessary element of reconciliation. How far has the suffering of victims been acknowledged?

Ms Dover: I think acknowledgement is a difficult word and a difficult concept, because there are lots of different ways in which people can be acknowledged. Some of the things that we suggested in terms of an individual or group level, things like story-telling processes, can be really useful in acknowledging that the experience happened by another person who may have had a similar experience—that is one form of acknowledgement. A truth recovery process

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could be a form of acknowledgement, compensation could be a form of acknowledgement and I think maybe there needs to be some work done into what does acknowledgement actually mean, there are so many different ways in which people can be acknowledged. I remember some of the ex-soldiers we work with feel they have not been recognised for what they have done in relation to other kinds of campaigns that they have been involved in, yet from the MoD's perspective for example, it could be argued that because they have received a medal or they might be receiving an army pension in relation to their experience that this could be seen as acknowledgement. I think some of the difficulties are about whether it is acknowledgement by the Government, whether it is acknowledgement by the people who committed the acts, whether it is acknowledgement by the general public, by members of the community; there are so many different levels and there needs to be some exploration of what do people mean by acknowledgement and how is it going to be beneficial for them, and then you can look at ways in which that can actually happen.

Q94 Mr Beggs: What more, in your opinion, could be done to officially recognise the suffering of victims based in Great Britain?

Ms Dover: That is a question I would like to come back to you on, if that would be okay, because I think I would find that hard to say because we have so many different views on that. It is probably quite an individual view for a lot of people, so what I would propose to do is take that question back and ask some of the people who we work with to make a response and come back to you. I think any answer I would give would be quite insufficient.

Mr Beggs: That would be quite helpful, thank you.

Chairman: Mr Stephen Pound.

Mr Pound: I have to say that last answer was quite ministerial.

Chairman: I think you meant magisterial.

Q95 Mr Pound: No, ministerial, that is just the sort of thing ministers say. Twice in your evidence you have referred to story-telling, most recently in your answer to Mr Beggs, and earlier on you talked about the question of identity from story-telling, and this echoes something that Marie Fitzduff said when she gave evidence, that sometimes the identity can be defined by story-telling. Do you think by and large victims should be given the opportunity for story-telling?

Ms Dover: I think there should be provision for that to happen, but I do not think everybody will want or need it. We invite people to come to it and it is entirely up to them whether they go through that process, whether they come to it and how much or how little they feel they need or want to say, and people can leave at any time as well if they really feel that that is not right for them. So there is a lot of value for people in being able to talk about what happened and frame it, and then it can be really positive in terms of moving on or being able to identify what actually happened to them and where

they are now and put some perspective onto things. Equally, not just about being able to tell their story but hearing someone else's has been really beneficial for people because they do not feel so isolated, for one thing, they can recognise others' pain even if it might be coming from a completely opposite point of view or someone they might have considered to be from the enemy side. I think there are a lot of benefits but it is the sort of thing that people cannot be forced into and we do a lot of work around preparing people for that kind of experience, to make sure they are ready, because in some cases it may compound some of the difficulties people are facing. So it is a really, really beneficial experience for people, but it has to be carefully managed, how people get into that kind of thing, because it could be difficult for them afterwards.

Q96 Mr Pound: When someone is telling the story of their traumatic experience, are they talking to someone else or are they talking to themselves?

Ms Dover: I suppose it could be both. I can give an example of the way we work: we bring together, say, a group of 15 people—and we have done it in the sense that they might just be from Great Britain but we have also done it in a wider grouping for Northern Ireland from different sides. Usually the process involves doing some kind of individual work to help them frame what it is they want to talk about, and I would say that that is not the actual narrative, but that is helping them to prepare themselves for talking in a group of people. They are split into small groups and when they are doing that individual work—and sometimes we use beads, sometimes we use paper and symbols, or people might want to write things down, whatever way they find helpful—sometimes when they look at it, spend time just thinking for an hour for themselves about what is it that has actually happened to me and where am I, they get a lot of perspective from that themselves and they might be telling themselves their own story. When they come into small groups with each other and they are telling the story, they are telling it to someone else but they are also possibly, in some cases, speaking about it for the first time and they will be talking about their story to tell themselves how they feel and identify where they are for themselves, so it can be both really, I think.

Q97 Mr Pound: Does a person tell the story once ever, or do they tell the same story over and over again? Are you aware of cases where a person has achieved catharsis or has had some therapeutic benefit, that they do not feel the need to repeat that story?

Ms Dover: Yes, several of the people we work with have been in contact with other organisations and gone on story-telling experiences, and I know from my own experience of facilitating these dialogues that in some cases the story can change every time you tell it. For some people going and saying it once, maybe that was all they actually need, for others there are a lot of complex issues in relation to it all, so that they may feel they want to talk about it with someone also from Great Britain, but actually

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having done that they then feel I would like to hear from the other side as well, I would like the other side to hear me, so it may be that they do a series of story-telling sessions. I can give you an example of one woman we work with who had been on a couple of other residential, on wider ones including people from Northern Ireland, not with us, and she had got some benefit from it, but she came on one of our residential and she had lost her father who was a soldier. On our residential we had some ex-soldiers and there was one in her group and, hearing his story, gave her a part of her father back because she was able to hear a bit more about what it would have been like for him. At this stage she is saying she does not feel she needs to go any further with story-telling, she feels she has got what she needed at this moment. She may well change her mind or come back to it another time, but she really feels that for her that was a key moment, that was what she needed to hear. We kept in contact with her, but she is not coming to any of the other things that we have organised, she is not interested at the moment, but maybe in a few years time she may well be. The key thing is that sometimes people need a stage where they meet with others from a similar background or with a similar experience, and then can move on to wider, reconciliation type story-telling, where they hear from the other side or maybe even from combatants. Sometimes people can go straight to that and it is very much about where the person is in their own healing and what other experiences they have had.

Q98 Mr Pound: I appreciate the therapeutic significance of internal dialogue, but one of the books that most affected me about the Troubles was the book called *Only the Rivers Run Free* which, I do not know if you are familiar with it, was a series of stories of women's experience of the Troubles. That came about from story-telling, just to confront their own demons in many cases, and then published as a book. Has that ever been suggested to you in any of your story-telling sessions? The word story-telling sounds almost like a diminution of the validity of what you are saying.

Ms Dover: I know what you are saying by story-telling and I think it does have difficult connotations for people.

Q99 Mr Pound: Particular politicians who frequently tell tales, tall tales.

Ms Dover: That is actually an issue, we do not call our residential story-telling residential, we call them sharing experiences.

Q100 Mr Pound: Have you ever thought of publishing any of the shared experiences?

Ms Dover: We are in the process of trying to get funding to produce an archive of experiences where people can share their stories, and they are then going to be published, maybe in a book or maybe a website, maybe an exhibition, but that was certainly a need that was identified and a recommendation in our report that that kind of public sharing is also very useful. It can be anonymous, people do not have to be

identified in that, but that kind of thing has definitely been expressed from people we work with, that they would like other people to hear about it, not just in that small story-telling environment, and that is why we also put in the paper about an archive of experiences, a public place—not a truth process but a place where people can say this is what happened to me and they can read other people's stories as well. I think for some people writing it might be really cathartic, for others it might be difficult. Some of it is about how people express themselves and so, yes, we are looking at people being able to tell their story in whatever format that is, so when we are trying to get our funding to produce an archive of experiences, it may be that people write poetry, draw pictures, have photographs, use memorabilia, record it, make a song, whatever way they can express themselves is really important, it is not necessarily just about a book or something like that, but I think we are going to look at trying to get people to talk in whatever format they can.

Mr Pound: Thanks very much indeed. That question was absolutely nothing whatever to do with our inquiry and I am very, very grateful for your answer. I apologise to the chairman for asking it, thank you very much indeed.

Q101 Mr Luke: Jo, in earlier questions you stressed the point of the importance of a trust in the process of reconciliation; how important do you believe truth and justice is to the victims in this process?

Ms Dover: I think, again, it is one of those individual things and I can only speak generally. One of the things that we found really interesting in our research—and possibly it might have been about the people we actually interviewed—was that justice in terms of criminal justice did not come out as a really major issue. I think that is probably more about some of the people who have been in some kind of criminal justice system that had happened, and for others there was none. I know, for example, in the case of Warrington nobody was ever prosecuted for it and my sense of where people are with that is that there is not any calling for that person to be found at this stage, so I think it is an individual need. When something awful happens, people often want to know why and I think sometimes that can be gained by hearing exactly what happened in your instance. I also think again, when I go back to the story-telling, one of the things that is really important about story-telling is when you have somebody who can talk about it from the former combatant point of view about why they got involved, what they did or how their actions played out, that can be really beneficial for someone in trying to just understand why their incident may have come about. It might not be the direct person or even the direct group responsible, but it gives them an indication of sort of looking at it from a human perspective. So I think for some people that is their burning need, for some people they want to go back to the place where it happened, talk to the people involved and know exactly what went on. Some people will do that in a really underground, very quiet way, and some people will want to do that in a very public way. It is very difficult to give a

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concrete answer because it is very personal for people in terms of where they are at, whether they feel some kind of justice has been done or not. Sometimes some of the people we work with have felt that there is a need for some kind of reparation; that does not necessarily mean somebody being prosecuted but some kind of reparation for what happened; it can be an acknowledgement from one side, an apology or those kinds of things.

Q102 Mr Luke: How effective do you think the criminal justice system has been at discovering the truth or uncovering the truth and obtaining justice for the victims of the conflict?

Ms Dover: For some people that may have been successful and for others it probably was not, It is known that there are 1,800 unsolved murders; that is where people died, and I am wondering how many unsolved crimes there are where people were injured but not killed. There must be thousands, so I am sure that people generally probably do not feel that it has been very successful, but for some people it might have been and then of course with the Good Friday Agreement the release of prisoners has been very contentious for a lot of victims in terms of feeling, you know, has justice been done because the person has been released? There is also some lack of understanding as to why and how that came about, but for people over here that may well have been around not being connected to the decision-making process.

Q103 Mr Luke: You made that point about the prisoners being released, would you agree then that people often talk about the rights of defendants and indeed the prisoners on release, but maybe there is an imbalance in that people do not concentrate enough on the rights of the victims in this context?

Ms Dover: I think that is not just in relation to the Troubles, I think that is a general thing in relation to victims and offenders. This is a personal view, but possibly my organisation may agree, in terms of victims of crime, a lot of money, time and effort is spent on the rehabilitation of offenders, people are given a lot of time in terms of the court time, maybe a prison sentence and then rehabilitation afterwards, but there is no parallel process for victims, there is not as much time, effort and money spent on the rehabilitation of victims back into society, if you like. I am not suggesting I know how that happens, but certainly there is an imbalance in the time, money and effort spent in supporting people and a lot of victim support is done by voluntary organisations. I do not know if that answers your question or gives you another dilemma.

Mr Luke: Thank you, Jo, thank you chair.

Q104 Chairman: How about other mechanisms like public inquiries, official investigations? Do you think they help as a means of uncovering the truth?

Ms Dover: They probably do in certain circumstances, but I think what needs to be weighed up is the benefits to the amount of people for those kinds of inquiries and maybe evaluating whether

there are other mechanisms that could be used to be of more benefit to more people. There is a lot of criticism about the Bloody Sunday inquiry, for example, and how much money has been spent for a particular incident; I do not think we take a particular view on that, from our organisation's perspective it is about looking at what are the benefits of such inquiries in the longer term, not just for the people directly involved but where that fits in a peace process, for example.

Q105 Chairman: Presumably the Bloody Sunday inquiry has not done much to help any victims in Great Britain. Do you think there is anything in particular that would benefit the people that you are set up to try and help, ie victims in Great Britain, is there any particular incident that you think might be served by having, not that sort but some sort of official inquiry?

Ms Dover: At the moment I cannot think of one particular incident, but the way we would respond to that is that what is missing probably in relation to GB is an equality of treatment. I have heard some ex-soldiers say there is the Bloody Sunday inquiry but where is the inquiry into when the IRA did this to us? You could have inquiry after inquiry for every single incident, so I think for me that is where some of the useful processes are something like a truth process—which is not going to deal with every single thing—story-telling processes and archived experiences, there are lots of different approaches that could be used. In the nature of inquiries it needs to be coming from people who have been affected, that that is what they want, and maybe that has not come from people in Great Britain yet, or maybe it has been asked for and been ignored, I do not profess to know everything about all of those things. There is certainly a feeling that such a lot of money is spent on one incident; people do not necessarily feel that the incident does not warrant having an inquiry, but certainly the amount of money that has been spent and then the allocation of only £500,000 to deal with victims in Great Britain via us, when we are only a small organisation with only two of us on a project—there are a large number of people affected here: 350,000 soldiers served in Northern Ireland, over 2,000 people were injured, a sixth of the people killed were from here, so I think it is about how that balances really. I do not know if that answers your question.

Q106 Chairman: Thank you very much indeed, it has been very helpful and nice that we were able to listen to your evidence at last; renewed apologies about last week, but it has got you down to the big city twice.

Ms Dover: We are really pleased to have been asked, firstly, and with the press release that was sent out there was a bit of scepticism about whether people from here would be listened to, and we have actually gone back and said they are listening to us, we are going to give evidence, please submit something, so I think you may get some more submissions.

Chairman: We have certainly listened; thank you very much for coming. The Committee is adjourned.

Supplementary memorandum submitted by the Tim Parry Johnathan Ball Trust

During our evidence session on 2 February, the Committee asked a question which I requested to take back to the participants of the Legacy Project for their response. The question was:

“What more could the Government do to officially recognise the suffering of victims in GB?”

I attach a collation of the responses we received from victims and survivors in Great Britain to add to our submission.

Since the evidence session there have been many developments in the Peace Process and potentially some of our answers may have been different in the context of recent events. The Trust would also like to add our own response to the question above:

- We would like to see a Victims Commissioner appointed who could be available to provide assistance to victims and survivors in Great Britain as well as Northern Ireland, and who can champion the issues facing victims and survivors on this island.
- We would also like the Government to provide further funding for initiatives to meet the needs of victims and survivors in Great Britain, as outlined in our Needs Analysis. We would also urge the Government to support a call for the EU Peace & Reconciliation Funding for Northern Ireland to extend its geographical limitations to include those outside of Northern Ireland and the Border counties who have been affected by the “Troubles” to be included in its criteria for funding.
- The final comment we would like to make is that in all future decisions regarding the Peace Process, the Government should consider the impact on victims and survivors in GB when making policy decisions.

Question: *What more can be done to officially recognise the suffering of victims in GB?*

ANNALIESE BOWMAN

I am the daughter of a bomb disposal officer with the army. My dad was serving in Londonderry in the summer of 1973 when he was blown up by the IRA. He left a wife with three children age nearly five, nearly three and a 15 month old baby. He also left two brothers, two young sisters and a mother who relied upon him sending money home.

I grew up missing my dad, but too young to understand why he wasn't coming home. His death caused lots of family arguments and meant that I rarely saw any of my dad's family. My brothers and I have ended up growing up in a tense, sad environment with hardly any support given to my mum. Growing up in the '70s was not a time when single parents were accepted socially, whatever the reason. Even the way that my mum was informed of my dad's death was terrible. I am sure that nowadays people are much more careful and caring about how the next of kin are informed, and I hope that everybody in similar circumstances to ours would be automatically given counselling as a matter of course.

Until recently when I started getting involved with people like Jo Dover and Jo Berry (who I originally contacted after the TV documentary “Meeting the Enemy”), I had never met anyone else affected by the troubles in Northern Ireland. It is thanks to the two organisations at Glenree and Warrington that I have finally made some progress in dealing with my loss.

In order to answer your question I will explain why exactly organisations like this have helped me.

In the world in which I grew up, there was never any way of explaining why I haven't got a dad, except bluntly. This is difficult for most people to listen to, so generally the conversation stops and is avoided after that. Personally I have always started crying when I have spoken about it, so even my family avoids talking about my dad in front of me for fear of upsetting me.

Going to the residential weekends at Glenree (twice) and Warrington (once), I have been able to meet others to talk about issues that have been bottled up, in my case for my whole life. I now know that I am not alone. I have been able to talk about my experiences and how it has affected my life to people who understand the pain. I am different to most of the people that I have met, in that I never had a change in my lifestyle due to a terrible event, because I was so young. So although I have never had to cope with being the victim of a bomb explosion, or living in Northern Ireland as a soldier, this is something that has affected my whole life, and that I haven't had any support for until recently.

I have also been able to listen to other people's experiences, which is incredibly humbling. The most significant step for me was at the Residential weekend that I went to in October 2004. During this weekend, I met soldiers who had been in Londonderry in the early '70s. I listened to the experiences they had, and the descriptions of their daily life, and it was the first time that I had any knowledge of the context of the life my dad had been living before he was killed. I have joined NIVA and am now in contact with other soldiers, and hopefully we will meet up once a year at the National War Memorial Arboretum in the Midlands where trees have been planted for all the soldiers killed in Northern Ireland.

I don't think that I need to go to any more residential for the time being, because it has achieved its goal. I have talked about my experiences, which has helped my healing process and I have made my own contacts and friends who are there when I do feel that I need to talk.

If the Government can do anything, then I would hope that it would advertise and fund more residential in Warrington, in order for more people to benefit like I did. People are suffering all around the country, but they feel that they are alone and isolated and that the government won't talk about it any more than their friends and family do. We need a safe place to go, and support when we get there. We don't necessarily need to keep going, but once or twice may help, and making those connections with other people helps too. Then we can start helping ourselves.

Not only has the Government forgotten about it, but it isn't even recognised as being a war. Half of the trees in the National War Memorial Arboretum have no plaques against them. NIVA is not allowed to March in London on Remembrance Sunday. I never even realised that Remembrance day included my dad!

SUSAN LEE

Speaking on a personal level it would really help if the Medical Institutions were helped to understand that the depression, fear, anxiety, panic attacks etc suffered by the survivors (I don't use the word Victim) of GB IRA attacks need more specialist care. The depression etc which can ensue from such an attack sometimes doesn't happen for a great length of time, sometimes months, and the way some Doctors react is to just say a person is depressed and give out pills. The Medical field need to know how to help us. Family GPs especially should understand that when they are told about feelings of being in the attack, sometimes years later, it should not elicit the response of "That was years ago, you should have got over it by now". I personally still cry about being caught in the Manchester IRA bombing in 1996.

The Government could also make it easier for people to claim compensation when they have been involved in IRA attacks. They should make it a completely separate claim and not use excuses not to pay out citing existing medical problems. The physical and psychological trauma caused by being caught up in such an attack cannot always be put into words effectively enough to be able to claim compensation.

The Government really should help survivors in some way to keep the media at bay. Once they find out that you have been caught up in a GB IRA bombing, they start a frenzy to get at your front door to be the first one who prints it on the front page of their newspapers.

To officially recognise the suffering of survivors, the Government should find a way of making it possible and easy for all survivors to get Counselling when and if they want it even if it is years later.

And finally, to officially recognise the suffering of survivors the Government should try their very hardest to make the Peace Process work. This would be the greatest recognition any survivor would want. I do.

KEITH HUDSON

You ask what more the Government can do.

The answer is simple stop pushing the soldiers and their families to the back of the queue. Since the peace talks have began only two sides of the troubles have been heard. People have forgot that the people in the UK were in the middle.

They not have to have been in the Armed Forces. Ask the people of Manchester, Warrington London etc.

The Service man does his duty for Queen and Country. How soon the country forgets him.

The IRA and Loyalist groups have help; ask why the service man is forgotten. The people of the cities were the bombs were placed. How much the people got in the offer of help.

I am not bitter, no just saddened that the troubles did not end at the River Lagan or the shores of Antrim but somehow the people in power think that.

CLIVE HUGHES

For the Government to officially recognise, they first need to identify, and understand that not all wounds are visible and the trauma can be physical, mental, and sometimes spiritual, where people don't just lose their faith in themselves but everyone around them including the Government. To be a leader you also have to be a follower. People can and will work together, and the power is much greater as a whole and not as an outsider that is on both parts.

JEFFREY BLUM

I hadn't forgotten you but am frankly not sure what else can be done other than to LISTEN and recognise that there are sufferers and survivors in England too . . . Angela's (Smith) ministerial visit was a very good start but it should be followed by more coordination rather than a single event.

MAUREEN NORTON

I really not sure how to answer this at all—I feel as though they should officially do more to recognise the GB victims but I am not sure how or what they could do as I feel as though after every conflict those that are left behind just get forgotten and we are left to get on with it.

RITA RESTORICK

1. A Victims Commissioner should be appointed, whose role included supporting victims in Great Britain as well as Northern Ireland.

2. Victims over here should be treated equally with victims in Northern Ireland. This is not happening at present. Victims over here only had the opportunity to have a meeting with the Victims Minister this year whereas the post has been in existence since 1998. We are never notified or included in weekend breaks run by the Northern Ireland Memorial Fund and most victims over here are not aware of the NIMF due to the total lack of publicity in the national press.

3. Victims over here are not eligible for European Peace funding unless they attend residential in Northern Ireland or the Republic but many victims are still reluctant to visit there. Therefore the Government should provide funding proportionately to cover victims over here to attend similar residential in this country.

4. As it is difficult to set up support groups over here due to victims being scattered, there are only two formal support groups here (Legacy and NIVA) but between them they cover civilians and ex-military. Therefore Legacy should receive more funding than at present and NIVA should receive funding.

5. As some ex-soldiers many years after their service in Northern Ireland are suffering psychological effects—many of whom are coping on their own at present, the Government should provide additional funding to Combat Stress to enable them to treat those who also have alcohol or drug problems. To do this they need another care centre. The ex-RBL Churchill House might be a possibility for this but they would need government funding to run and maintain this.

6. The Government should through the NIO pay for a memorial at the Ulster Grove to civilian victims of the IRA resident over here. It could be in the form of an English oak tree or a block of English granite.

7. The Government should pay for the plaques at each tree in the Ulster Grove. These men and women gave their lives for this country but their families feel this sacrifice is not recognised, especially at a time when the Government is meeting with those who were seen as the enemy.

8. The NIO should ensure that all research and consultation exercises with victims includes those in GB—this has often not happened in the past where only those in Northern Ireland have been included.

9. Victims over here should be consulted (as have victims in Northern Ireland) about a Truth process, Reconciliation etc, following widespread advertising for their views in the national press. Most victims are not in contact with the VLU, which has now closed without victims being told by them who is now the contact for victims over here.

10. If an exhibition of the conflict is set up at the former Maze prison, a similar exhibition should be set up at the Imperial War Museum or similar.

15 March 2005

Wednesday 9 February 2005

Members present:

Mr Michael Mates, in the Chair

Mr Roy Beggs
Mr Tony Clarke
Mr Stephen Hepburn

Mr Iain Luke
Mr Stephen Pound
The Reverend Martin Smyth

Memorandum submitted by Community Foundation for Northern Ireland

RESPONSE TO THE COMMUNITY FOUNDATION FOR NORTHERN IRELAND CONSULTATION ON DEALING WITH THE LEGACY OF THE PAST— SUMMER 2003–WINTER 2004

1. Over the July–September 2003 period the Community Foundation for Northern Ireland carried out a study of 58 of its funded groups to ascertain their views about peacebuilding—and more specifically about dealing with the legacy of past divisions and conflict.

This latter set of questions focused on:

- What issues arising from dealing with the legacy of the past presents us with current challenges?
- What form might any process of Remembrance take?
- Can Remembrance issues be disentangled from formal justice/legal approaches?
- What is the role of Human Rights/Civil Liberties issues in peacebuilding?
- What is the best way of addressing these issues to ensure a sense of community ownership?

The composition of groups interviewed included:

- 18 Community Organisations
- 4 Community Arts Groups
- 6 Ex-Prisoner Groups
- 6 Groups representing Victims of the Troubles
- 10 Women’s Groups and Networks
- 9 Support and Issue-based Organisations
- 5 Youth Organisations.

While the majority of respondents were based in the Greater Belfast area (32) there was a geographic spread of the remaining interviewees.

2. In addressing the issues related to the legacy of the past it was found that the very sensitivity of the discussion made it difficult to disentangle any clear lines of response. There was a certain reluctance expressed at the thought that people’s emotions, hurts and ghosts might be used in a mechanistic manner as a democratic tool to “move the process on”.

There was a recognition that remembrance is complex and diverse, and cannot be driven in a centralised manner. On the one hand individuals must heal at their own pace; on the other hand there are those individuals that wish to live their lives without being a survivor or a victim. The reality remains that there are a thousand ways of remembering—many of which are already ongoing—and everybody is different, with different experiences.

3. When asked specifically about certain approaches to remembrance it was established that:

- (a) A Storytelling Process was generally acceptable. However, it was felt that it was essential to have good facilitators and an effective support mechanism in place. This requirement is to be balanced by enabling the process to be situated in contexts which make people feel comfortable and in control.
- (b) There was less agreement over the potential of Physical Memorials to contribute positively to dealing with the legacy of the past. It has felt that physical memorials can be divisive, and are at risk of being vandalised (or becoming an issue of controversy) which can add to the hurt. A number of interviewees did, however, feel that there was a place for such memorials. A number of groups were already maintaining memorial gardens.
- (c) The concept of Museum Collections was equally controversial. The question was posed as to how to ensure a balance with regard to this approach, although it was recognised that young people might benefit from learning about the Troubles. The most controversial issue related to the use of old prisons as a Museum of the Troubles. There were strong views both for and against.

4. When the issue of Truth and Remembrance was raised, those that responded largely did within their understanding of the operation of the South African Commission for Truth and Reconciliation. Within this context, a diversity of views was reflected:

- The fact that victims might see the process as letting perpetrators “off the hook”.
- The possible re-trial (albeit on a moral basis) of ex-prisoners who had already served terms of imprisonment.
- The reluctance of those people who had been involved in political activities (particularly in the 1970s and '80s) to come forward if they have not been apprehended to date.
- The general feeling that the British Government would not participate openly and honestly in such a process—and hence would undermine any potential healing/reconciliation outcomes.

Notwithstanding the above views, there were a number of respondents that felt that some process was required. There was a degree of cynicism about the cost-effectiveness of Judicial Legal Inquiries, although, again, the point was made about the amount of money spent in extracting evidence from State sources.

5. Other suggestions in terms of remembrance included:

- Day of Remembrance.
- Educational approaches to the Legacy of the Troubles.
- Open Prayer Services.
- Living Tributes—such as charitable funds for peacebuilding etc.

All underpinned by the need for an acknowledgement by both communities and the British and Irish Governments of the hurt suffered.

6. Over the past year—2004—the Community Foundation has continued to engage with this issue, and to discuss the implications of Transitional Justice approaches with a range of its funded groups through the means of its Peacebuilding Seminars and other gatherings. On the basis of this more extended work a number of different parameters of the Truth and Reconciliation challenge is becoming apparent. These include the following:

- There is the demand for “truth” with regard to State(s) actions while it was engaged in the conflict. There is a feeling among some sections of the community that the State(s) has been hypocritical and patronising in its approach. The declared motivation for this approach is that individual families affected require the truth, but as importantly the truth must be exposed to ensure that any State abuses do not happen again.
- There is the call for both discussion and historical settlement over the “causes of the conflict”—ie the relationship between the Stormont administration and various sections of the community in Northern Ireland pre 1969.
- There is the demand made by sections of the community for the actions of paramilitary forces to be examined and explained. This is particularly true in the area of the killings; and/or wounding of “non-combatants”; although the killing of off-duty UDR/RUC members is also an important area, with the latter being acutely sensitive where it is linked to alleged socio-economic factors.
- Finally, there is also a considerable constituency that feel that any formal Truth and Reconciliation process will only defeat the object of the latter, and stir-up further animosity. This is certainly a concern reflected by certain Loyalist groups.

7. The Community Foundation for Northern Ireland would argue that any Truth and Reconciliation approach must be:

- (a) Multi-dimensional;
- (b) Seen as a process over time (with much depending on a stable macro-political framework);
- (c) Premised on an acknowledgement by all parties to the conflict (including Governments) of their responsibility.

Furthermore, the approach should be:

- Victim-centred, but not victim specific;
- Collective rather than individual in focus;
- Inclusive in nature (it must not promote either a hierarchy of victims or of perpetrators); and
- Forward looking ie what lessons can be learned for the future.

It is also important that the process drawn on international good practice, while recognising that there are already useful local initiatives in place, such as the Healing through Remembrance group.

8. It is crucial that the objective of societal reconciliation is not reduced to any formal Truth approach, since the task of reconciliation must be much broader and deeper than this in practice. Nevertheless, arguably an inclusive Truth initiative may help to establish an informed basis for future reconciliation. The Community Foundation favours a long-term perspective of a shared society in Northern Ireland rather than any concept of separate (even if peaceful) co-existence.

9. After the experience of the Bloody Sunday Inquiry, which is one of the most expensive in British legal history, the Community Foundation would favour more imaginative, community-based approaches (while accepting the validity of the Public Inquiry approach in very specific circumstances). However, these do need to be adequately resourced and supported. It is also felt to be important to achieve a certain synergy between those organisations that are interested in promoting a multi-dimensional approach to the challenges of Truth and Reconciliation.

10. Finally, we would support the argument put forward by Brandon Hamber (“Remembering to Forget: Issues to Consider when establishing Structures for Dealing with the Past”):

“If any country is to come to terms with its past and successfully turn its attention to the future, it is essential that the truth of the past be officially established. It is impossible to expect “reconciliation” if part of the population refuse to accept that anything was ever wrong, and the other part has never received any acknowledgement of the suffering it has undergone, or of the ultimate responsibility for that suffering.”

However, while accepting this perspective, the Community Foundation for Northern Ireland is under no illusions about how difficult (and sensitive) the process will be in practice.

Memorandum submitted by the Community Relations Council

ISSUE

“Healing the Wounds: Ways of Dealing with Northern Ireland’s Past”: Evidence from the Community Relations Council (CRC) to the Northern Ireland Affairs Committee.

INTRODUCTION

CRC welcomes this investigation by the Northern Ireland Affairs Committee and the opportunity of making a submission on the very important issue of “Ways of Dealing with Northern Ireland’s (NI) Past”. There are few subjects of greater significance in contemporary NI than the question of how society might attempt to deal with the legacy of conflict and violence. Over many years, CRC has sought to support efforts for reconciliation. Since 2002, we have also acted as the Intermediate Funding Body for victims and survivors groups. This latter role, in particular, has made CRC acutely aware of the sensitivities and extreme difficulties associated with the issue at hand.

CRC currently operates two grant programmes which specifically address the needs of victims and survivor groups, these are the Victim and Survivor Core Funding Scheme and the Victim and Survivor Groups Development Grant Scheme. The Victim and Survivor Core Funding Scheme currently supports 46 victim and survivor groups. This scheme has a budget of £3 million and runs from April 2003–March 2005. The Victims and Survivors Groups Development Grants Scheme provides project based support funding to around 70 different organisations including those groups also receiving support from the Core Funding Scheme. The Development Grant Scheme has a budget of £750k and runs from June 2002–March 2005.

In making the following submission, CRC wishes to express its concern at the short length of time allowed for response which we consider to be inadequate given the importance of the subject matter. Moreover, CRC feels it necessary to draw attention to the fact, that there is an unfortunate risk that the brevity of the response period may give the appearance that the call for evidence is not so much a consultation, but rather, part of a wider sequencing of events. Because the investigation comes during a time of intense political negotiation—which has obvious implications for the victims’ sector in particular and NI society as a whole—there is a danger that the sincerity of this investigation may itself be questioned.

We submit this response in the hope, therefore, that the welcomed discussion by the Northern Ireland Affairs Committee will take into consideration the timing of its investigation. CRC is of the opinion that this discussion must be the beginning of a much longer consultation process. Such a process, should afford further opportunities—for as many stakeholders as possible—to provide detailed evidence and recommendations on this, most crucial, of public policy decisions. The following response represents the views and opinions of CRC rather than those expressed by any group or individual with whom the Council may liaise.

CONTEXTUALISING THE DISCUSSION

Reconciliation in politics, the possibility that people, once divided, can live and work together on the basis of clear rules, is the central goal of any democratic peace process moving from conflict to sustainable peace. Clearly, this limited notion of reconciliation falls far short, however, of the comprehensive concept upon which a shared and interdependent future ideally depends. The limits to politics mean that even if political reconciliation can be established, many things remain to be resolved for many people. Without recognition of past injuries, a shared future may be too hard to contemplate. The fact that many aspects of reconciliation cannot be enforced or legislated does not negate the central importance of pursuing all avenues to support

traumatised and injured communities and individuals as they seek ways into the future together. The underlying dilemma is this: a meaningful and comprehensive reconciliation process requires us to face the truth, acknowledge our part in it, make reparation where necessary and grant and receive forgiveness from one another. Without any one of these parts, reconciliation will remain unattainable.

Truth telling without reparation and forgiveness may only deepen resentment. The easy part of truth telling is admitting what has been done against us as individuals, as families, as local communities, whether nationalist, unionist, protestant or catholic, British or Irish. It will be much harder, however, to admit what was done by us, by members of our family, by people from our community or by the state. It may be even more difficult to realise that we are resented by others because of terrible acts done in our name over which we had little immediate control. And perhaps worst of all may be the question of apportioning blame and identifying perpetrators.

That said, justice requires the identification of the guilty. It may be that the truth of the complex NI conflict is too much to bear and obstructs us as we stumble into the future. And yet without this process, the tensions and resentments of the past will continue to shape the conditions under which politics takes place in the future. In a context like NI, we have to confront the possibility that reconciliation, while essential, is nonetheless difficult. The people of NI and those who have been actors in the conflict—both directly and indirectly—may be forced to confront the messy difficulty of drawing an imperfect balance between the requirements of trust to enable a stable public and political life and the impossible horizon of full reconciliation in politics.

It is against this backdrop that any discussion of truth and reconciliation in Northern Ireland must take place. The over-riding principle is neither instant truth nor superficial reconciliation, but the consistent and persistent promotion of a peaceful future together over the violent and divided past. In practice this will require pragmatic compromises in pursuit of a future where both truth and reconciliation will be possible and meaningful. At any given point, many well-intentioned people will come to different conclusions about the next steps: what is important, is to recognise that all of us are wrestling with a dilemma, which will not be resolved or healed in a single gesture, but will require many different steps and actions over a long period of time.

THE PURPOSE OF ANY PROPOSED PROCESS

Although the generic concept of dealing with the past is to be welcomed, there is the question of why? For what purpose should a process be developed and what will be the foreseeable outcomes?

There is no agreement in NI about the causes of conflict and the definitive identification of both victims and perpetrators. There is a broad recognition, however, that the death and destruction of past decades were a tragedy which must not recur, and, indeed, there is already broad consensus that no community or group in society has a monopoly on suffering. It is from this broad basis that any process or initiatives could for dealing with the past could begin.

Any process that aims to deal with the past will require clear rules, a clear understanding and political agreement of any judicial consequences which will result and the agreement of all political parties and the media to respect the sensitivity of the evidence presented. Justice after violent conflict is highly sensitive. In the absence of a respect for the suffering of all of the bereaved, injured and traumatised, there is a serious danger that truth telling will expose the most vulnerable to humiliation and further trauma. Reconciliation will not be served by such a scenario.

While there is no simple answer to the demands of justice, any process must be clear about judicial and legal consequences attached to any process. Otherwise, both fears and expectations may be inflated with disastrous long-term consequences for confidence in official processes.

Any body create and charged with the tasked of examining the legacy of the past and the promotion of reconciliation must have:

- international membership and enjoy the confidence of both conflicting traditions in Northern Ireland and the wider international community;
- must be given a wide remit and guaranteed independence;
- consider the financial implications and the requirements of additional resources;
- a clear and defined judicial standing;
- set guidelines regarding the possibility and costs of reparations;
- consider all aspects of safety, care, and the need to support and/or prevent re-traumatisation of those who have already been bereaved or injured as a result of the past conflict.

In the considered opinion of CRC, we realise that there may be no single approach that guarantee communities and individuals have closure and healing of their experiences. As such, it may be necessary to consider a multi-layered, multi-dimensional process that encompasses and cut across the whole of society. Indeed, given the nature of the NI conflict it may be necessary to consider a process that has a remit within a number of sovereign jurisdictions.

THE SCOPE OF ANY PROPOSED PROCESS

Since the beginning of the what is colloquially referred to in NI as “the Troubles” approximately 3,585 people have been killed and 40,000 people have been seriously injured. It is also the case, however, that the majority of the citizens in NI have felt the impact of “the Troubles” on their daily lives and continue, as a result, to live with the legacy of sectarian division, intermittent civil strife and the ongoing threat of violence. How to deal with this difficult legacy is, undoubtedly one of the most fundamental questions facing society.

There may be a tendency—when attempting to devise a process for dealing with the past—to focus (at least in the first instance) on those who have suffered immediate loss. CRC recognises this and would like to express its support for many of the demands made by victims and survivors groups. Yet, we also feel it important to draw attention to the significance of providing a much wider vision. The NI conflict has affected many citizens in many different ways: through loss or injury to friends, neighbours, family or work colleagues; loss of home or business; taking on responsibility for orphaned children due to loss of parents; exile, internal displacement etc. Any new initiatives, which seek to deal with the past in a systematic and strategic way, must acknowledge and take account of such different experiences.

An extensive consultation process carried out by the Healing Through Remembering Project—supported by CRC—highlighted the need to recognise that the whole of society has a responsibility for dealing with the past. The project sought over a two-year period (including analysis of over 100 submissions) to document what appropriate mechanisms might be developed for remembering by *all* those affected by the conflict. In keeping with the findings of this research, CRC is of the opinion that any proposed process for dealing with the legacy of violent conflict must provide opportunities for all the key players and stakeholders in NI to participate. These stakeholders must include a broad range of actors, such as, the UK and Irish governments, victims and survivors, paramilitary groups and their members, and private citizens.

Although there may be disputes between these stakeholders with regard to the causes of conflict and the identification of both victims and perpetrators, it is only on such a broad platform that any proposed initiative should be based. A limited truth telling will not promote agreement, inclusion and partnership. Murders, injuries and the general legacy of paramilitary activity, the actions of the UK and Irish governments, and the NI security forces must be open to equal scrutiny. For any proposed process to have legitimacy it must be widely recognised and accepted as fair, evidence-based and independent.

THE PROBLEM OF TERMINOLOGY

The terminology surrounding this issue is complex, often multifaceted, and remains open to debate. A lack of clarity surrounding concepts such as victim and reconciliation must be addressed at the beginning of any proposed process, so as to guarantee consistency throughout, agree aims and objectives. For example, terminology relating to “victims” is contentious and raises the question as to who will determine and make a decision as to who is/and who is not a “victim” and what makes/or does not make one a “victim”. The same point holds for the concept of reconciliation.

Any definition given by the UK Government alone will be contested, if not politicised. Indeed, any definition provided by an individual, group, organisation or state, seen to be an actor or supportive of one or other side involved in the conflict will most likely be open to dispute and challenge. This initial difficulty raises further issues of concern. If, for example, there is lack of agreement as to who is/or is not a victim then—by default—there will also be a contest over what constitutes “truth” and the desire or need for any process that might seek to recover it.

Interpreting the terminology within which any process will necessarily be bound up is a significant issue. Any potential ambiguity may have serious repercussions for the capacity to deal effectively with the past, and, as a consequence, could risk undermining the legitimacy of the entire process. Bearing this significant problem in mind, CRC is supportive of the notion of an internationalised process that draws on lessons from other societies. Moreover, CRC would also highlight the need to give due consideration to the possible internationalising of the process itself, specifically given the recognised need to ensure legitimacy.

THE VALUE OF INTERNATIONAL COMPARISON

The NI peace process has often been held up as best practice model across the world. Yet, the position of NI cannot be easily compared to other international contexts where truth recovery processes have been implemented as part of a post-conflict settlement. This is not to say, of course, that the positive and negative lessons from other societies are of no value. On the contrary, there are indeed many important reasons for considering such experiences. The context-specific circumstance of NI must also, however, be given due consideration.

Peace in NI has been achieved through compromise and agreement, not zero-sum politics and victory. Moreover, unlike many post-conflict societies, NI is not engaged in a nation-building project. Given that constitutional status of NI remains open to change and given that the two government signatories to the Belfast Agreement—the UK and Ireland—are viewed by various constituencies as being active participants in the conflict, the question is raised as to whether or not any internal agent can generate a process of truth-recovery which will be credible to all. This particular set of circumstances, clearly marks NI as being somewhat distinct from many similar processes undertaken elsewhere.

NI faces a task of designing its own process, which protects and supports the shared future upon which peace and economic prosperity ultimately depend. Rather than simply adopting models from elsewhere and proposed healing process needs to highly contest-sensitive and specific to the needs of those subjected the adverse affects of the most violent conflict to have taken place in Western Europe since the end of World War II.

There is no single transferable answer to this most difficult of questions. Instead we must contemplate a multi-layered process that encompasses the whole of society in different ways which does justice to the variety of experiences. Much work has already been done in documenting the lost lives of Northern Ireland's violence. CRC has supported the work of Jane Leonard in the Ulster Museum on memorials and conflict in Ireland. There is a need to develop and encourage this work. Both national and local Museums should be very actively encouraged and supported to tell the story of the Troubles from many angles. Museums which do not address the whole story risk alienating many people through omission; reinforcing notions of partisan local government—and encouraging the growth of “separate” versions of memory—Bloody Sunday, Enniskillen, the Maze. A locally generated process is an opportunity to provide a foundation for a new shared and collective memory.

RECOMMENDATION

CRC recommends that the NI Affairs Committee consider hosting or supporting the call for a series of public events to accompany further consultation. Such events would enable full and frank debate about the issue, facilitate public discussion and debate on possible processes and help identify key participants on the development of any initiatives forthcoming. CRC looks forward to the outcome of this debate and will welcome the opportunity to provide further evidence and input.

6 December 2004

Witnesses: Ms Avila Kilmurray, Director, Community Foundation for Northern Ireland, and *Dr Duncan Morrow*, Chief Executive Officer, Community Relations Council Northern Ireland, examined.

Q107 Chairman: Good afternoon, both of you. Hello again, Dr Morrow. We have a very tight schedule so do not be offended when I say can we have brief answers, Dr Morrow in particular. I do not want to offend anybody but he has got form in front of this Committee! Let us be as sharp as we can. First of all, would you just give us a quick description of your main work with victims and victims' groups. If I ask Avila Kilmurray to start, she will set a brief example, which Dr Morrow will follow.

Ms Kilmurray: Okay, I will be brief. The Community Foundation originally worked with victims when it administered the first peace programme starting in 1995 and we administered a measure for a forum peace programme which included victims in a number of other categories. During the end of that period we were concerned at the end of the Peace One Programme in terms of the continuity of funding for victims' groups and we worked with the Northern Ireland Office at the time to draw up the core funding for victims' measure. We drafted the outline for that and since that time that measure is now administered by the Community Relations Council but since that time we have been administering the victims' measure under the Peace Two funding, which is due to end in 2006.

Q108 Chairman: Does the fact that the victims and survivors' work may be politicised undermine the effectiveness of that work?

Ms Kilmurray: It does undermine the effectiveness of that work.

Q109 Chairman: In what ways?

Ms Kilmurray: I think it has been very divisive within the victims' groupings, particularly since 1998, have tended to be formed (political self-help groups) around different political identities down to different political party identities and that, I think, has been divisive. I think it has probably been inevitable, but it has been difficult and it is quite interesting because I have been working personally in this since 1995. Between 1995 and 1998 only three elected representatives contacted me about victims' issues. Since the Belfast Agreement it seems to have been one of the issues that almost has been used as a pseudo-negotiation approach.

Q110 Chairman: Okay. Is it getting better or worse, the politicisation?

Ms Kilmurray: The politicisation is still there, but in fairness I think that with regard to the people involved in the victims' groups themselves it is actually still very raw but it is getting better because I actually can see movement as they themselves

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start getting support, that they are going beyond just hitting out at everybody else and actually starting to look at the needs of their own constituency. I think that is very important in terms of reaching out to victims who may not have had any support in the past.

Q111 Chairman: Do you think the victims' organisations get sufficient funding?

Ms Kilmurray: They all say they do not.

Q112 Chairman: Well, they would.

Ms Kilmurray: In fairness, I think there are areas of work they could do if more resources were available because one of the things the Community Foundation raised at the time when the Peace Two measure was being formulated. It was formulated very specifically within the European Social Fund Regulations for training and employment, and that was not actually the issue that a lot of those groups wanted. A lot of the victims are actually getting quite elderly and in many cases, in particular the rural victims, what they needed was a sense of befriending, for people to reach out to them, to encourage them to get involved in social groups. In some cases we had widows, perhaps, who are now in their seventies in a country village who had not been to Belfast for 25 years and that was the sort of work that needed to be supported, rather than getting a qualification and getting back into a job.

Q113 Chairman: How effective do you think the Government's policies are then towards victims?

Ms Kilmurray: I think the Government, certainly since the Bloomfield Report, has made huge strides in terms of reaching out to victims. I think it is a slow process. I think there are still some victims who have never actually come forward. For example, with all the victims we have seen we have never had someone who has been a victim of tarring and feathering coming forward. There are relatives of people who would have been shot by the other side as informers. They have not very often come forward. So we are seeing almost like different categories of victims. Having said that, there are a lot more resources there. There is certainly a lot more attention. But I think it is a long-term process and one of the things that does not help with the victims' groups is to have these like two year or three year funding programmes because it does not allow them the continuity of planning and strategic development.

Q114 Chairman: We all know that. That is the way Government works. That I do not think we can change. Do you think that the very terms themselves, "reconciliation" and "truth recovery", are they divisive, sectarian, different things to different sides?

Ms Kilmurray: They are certainly different things to different sides and the Foundation about eighteen months ago, because we fund a whole range of community-based groups including victims and indeed ex-prisoners, we did a sort of study and interview with them to actually try and get their

response to those terms and what came across was just a complete diversity in terms of how they saw those terms. I think in terms of victims and survivors (and a lot would say this) talking about reconciliation is putting a bar too high. I actually think that we should be starting with broader society in terms of looking at how they were involved in the conflict, either directly or indirectly, rather than starting with the victims because it is almost as though we are actually guilt-tripping the victims, that they have to be reconciled to other people, whereas perhaps people who contributed to the whole atmosphere of the Troubles who were not directly either injured or bereaved also have a role to play. So I think really we should be starting from the outside institutions and working inwards, rather than putting the pressure on the victims who suffered most acutely for the Troubles.

Q115 Chairman: Okay. What definition of a victim is used to decide whether an organisation should get victims' funding?

Ms Kilmurray: We have a very simple one and that is anyone who has been bereaved or injured in the Troubles.

Q116 Chairman: No matter what they were doing?

Ms Kilmurray: No matter what they were doing. We have said we will not subscribe to the hierarchy of victims, and indeed what we have also found—

Q117 Chairman: Just so that I am quite clear, paramilitaries out on a mission who get shot or beaten up, they are victims too?

Ms Kilmurray: Yes.

Q118 Chairman: So it is anybody?

Ms Kilmurray: Yes.

Q119 Chairman: Okay. Unless they were run over by a bus. Now, that was wonderfully brief, concise and a positive example to Dr Morrow, who is going to come up here and hit me if I say it again! Can we try and do that in the same amount of time.

Dr Morrow: Okay. We have in many ways a parallel history with the Community Foundation. We were involved with the Community Foundation in the early years in looking at some more advances and developing this area, although the Foundation had the lead in actually administering the grants. In 2002 we took over as the core funder for victims and survivors' groups. There are now 46 victims and survivors' groups core funded under that scheme and it is a budget of £3 million. There is also an accompanying small grants fund which is approximately £250,000 per annum, which provides programme money and support for those self-help and therapeutic groups. They range, as Avila has said, enormously in political orientation, in orientation towards truth, justice, reconciliation, all of these words, and also in terms of the services that they offer. We have, however, managed to establish actually a very good network based on things with the Community Foundation and in this sense we work very closely together, where we

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actually bring them together to discuss core themes of their choosing and among the things they have asked are politicised things like truth and reconciliation, where groups of a huge variety of names which maybe familiar to you, which include groups like FAIR and One True Voice and on the other hand Relatives for Justice and also groups like WAVE, who have focused on inter-community reconciliation and also simply on helping the bereaved. Groups of that nature all participate together. I have to say, with Avila, the outcome is not agreement and it never will be. The outcome is, however, that slowly, surely, there is recognition of predicament, that everybody is caught in the predicament and the core question is how do we collectively find a way forward. On the issue that Avila raised about victim-centredness, the victim groups themselves, in my experience, are slightly ambivalent on this question. On the one hand they feel that the word "reconciliation" puts too much on to them who have borne the most and who actually have suffered the greatest trauma. On the other hand, there is also a demand for a victim-centred process, by which they mean that the interests of victims need to be central to any process which takes place and I would venture to suggest that one of the dangers of any process that we embark on is that the victims will be at the centre and they will be victimised again. So I think there is a fear that if it is overly public process that actually they will be the ones who will suffer the most and they will not get the truth that they wish. So that is just a concern.

Q120 Chairman: What about the terminology? What about "reconciliation" and "truth recovery"? Presumably your definition of "victims" is the same as Avila's?

Dr Morrow: Well, let me say that after the quality impact assessment on the core funding scheme we asked for guidance on what a victim was and we were told from the Northern Ireland Office that it was anybody. There was no definition provided, exactly as Avila said.

Q121 Chairman: Do you agree with Avila that "reconciliation" and "truth recovery" themselves are divisive and sectarian?

Dr Morrow: It is not as simple as that. It cuts across in ambiguous ways. Some people want truth for reconciliation. Some people want truth because they think it will lead to a judicial process. Some people want no truth because they think it will simply leave them more vulnerable because they will not get it, etc. So it is divisive. There is no consensus but it is not a simple sectarian division.

Chairman: Very good. Thank you.

Q122 Reverend Smyth: Can I just explore a little when you speak about victims and there is no distinction between victims, do victims then include ex-prisoners?

Dr Morrow: They can do, exactly as the Memorial Fund has looked at these cases. The core groups that we deal with take their own definitions and

none of them are directly led by ex-prisoners but there will be among them people who have prison records.

Q123 Reverend Smyth: Yes, I understand that aspect of it. I want to just be clear because I know that there are some folk who are strictly victims and they feel rather sore that there is more money being spent on ex-prisoners than on victims. Would you agree or is that just a false perception?

Ms Kilmurray: At present in terms certainly of the European funding that would be a false perception. There is a specific measure for victims and, as Duncan says, some people who have been ex-prisoners will have been shot or bereaved, or whatever, so they could also be in a victims' group, but at present I think the balance would be that there will be more money between the core funding programme and peace for victims. It would be fair to say that that perception probably will have come from the sort of mid-Nineties. When I went out to look for victims' groups when I was asked to administer funding in 1994-95 there were then about three, the Serving Police Officers' Association, WAVE (which was very small) and the Shanklin Stress Group, and that was really about it. So it really took quite a lot of time for the victims' groups to be established and then for the funding programmes to come on stream.

Dr Morrow: We currently fund no victims' groups which would be under the umbrella of a single political identity. That is not to say that they do not attract people in who are very closely identified with particular political groups.

Q124 Reverend Smyth: When we were speaking earlier about the terms, do you believe that continued use of the word "reconciliation" is a helpful word in the context because it does actually mean seeing things together and that is asking a lot, is it not? It may be possible for some individuals, and it has been, to be reconciled to the perpetrator but by and large are we setting too high a goal when we use the term "reconciliation"?

Dr Morrow: I certainly think if it is talking in terms of the victims' sector, as Avila said, to start with victims and to put reconciliation there, to be honest reconciliation for victims—if it comes at all, because I have to say in real politics why should there be that for a lot of these people who suffered enormously—must ultimately come at the end of the process. Part of the problem with the whole word "reconciliation" is that it can be understood at all sorts of different levels. It can be understood as a political deal, but it can also be understood, certainly in faith communities, for example, as a profound personal experience and that is not legislatable. So there is always a danger it becomes too big.

Ms Kilmurray: I actually think it would be better to talk in terms of coming to terms with the past rather than reconciliation. Hopefully that will lead, at the end of a long path probably, to reconciliation. But one of the things which concerns me, and it is not just victims although

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victims are certainly core to it, is really that at the moment I can see the next competing area of who writes the history of the last 30, 35 years and I can even see that in projects coming forward that is already a controversial issue and clearly is linked in with the whole issue around truth and reconciliation, and indeed justice.

Q125 Reverend Smyth: Avila, in 2003, I think it was, you asked a number of your funded groups about dealing with the past. Can you say briefly what the results were? How this these compare with those of normal victims, for example?

Ms Kilmurray: Again, there was a huge diversity. Some groups had very clear projects, some developed off the shelf in terms of all history, of trying to capture their community's experience of the past. Some groups had plans on the shelf in terms of setting up museums, of various memorials. Others, and I think particularly, I should say, probably on the loyalist side were quite almost reluctant because they felt that they were going to be stereotyped in terms of their role over the past thirty years and were quite resistant to looking at the past. Having said that, some of those groups have done some work over the last 18 months and are starting to have discussions with them, their own sections. There still is an uncertainty about what this means and I think there is a fear that the past will be used just to justify positions rather than trying to share truths, albeit the truths may well differ, and there is a concern around that.

Q126 Chairman: Yes. We had that last week.

Dr Morrow: Can I say that I think the issue of the legacy of the past is part, but the hard part for victims which almost needs to be stated up front before any process could be engaged in is how do we deal with the past as we move to a shared future, which is slightly less than talking about reconciliation but it is nevertheless the reality, which is given that we have to live together and make this peace work together, which I think is unavoidable, that does not make it easy for victims and survivors' groups, but I think to pretend that this process can be done before there is agreement that we are going to be in a shared future leaves any process very open to being used by any political actor on all sides to justify a past rather than to work towards anything which might be stabilising.

Q127 Reverend Smyth: Well, if we have to wait until then we may have to wait a long time, so can I put it another way to you. What are the main ways which you folk who are working on the ground think should be taken? What are the main initiatives that will help the victims face the past and go forward?

Dr Morrow: Well, I think first of all, while we have been critical of the core funding, I think the possibility of having places where victims can be together, share, befriending as Avila said, it is almost the lowest level stuff which is extremely important to hand over. So I would stand over

some of the core funding and small granting. I think that core services of Health and Social Services, to a degree employment and education, need to be made more aware of the specific needs of victims. So there are things that the statutory services can begin to do. I think we could encourage a discussion around the past through culture actually. I think museums and memorialisation, there are opportunities there which could look at complexity to begin to tease out some of these issues of where we have seen things differently. I think there are opportunities there.

Q128 Reverend Smyth: You say "begin to tease it out". Are we not already trying to do that?

Dr Morrow: We are, and I think we can continue with that. The Ulster Museum has done things. I think museums in local communities could even begin to do this right down at local community level. I think, as Avila said, we could encourage institutions which have victims in their midst, such as churches, trades unions, to begin to offer a different language about the shared future. So if they would engage and not necessarily make the victims responsible for everything, or even those who were involved in actually doing the shooting, that we could begin to talk about a climate in which we come to terms with our past. They could be engaged. I think one of the possibilities which needs to be explored at this stage is, in terms of justice what justice is going to be possible in the future and I think some discussion could be had about clarifying that. Is it simply unrealistic to expect that these things are going to be prosecuted into the future, or are we talking about some kind of process where that is going to be done. Unless that is clear, victims are left very unsure.

Ms Kilmurray: I would agree with that, and I think what we need to start with, and I think we have started very well today, is an acknowledgement by all parties, not just Northern Ireland but also in terms of Britain and the Republic of the involvement in the conflict and then to use that, as Duncan says, to start with those, almost like a collective reflection from various institutions about their contribution in terms of the last 35 years. That goes from the trades unions right across. That then almost creates a climate where those groups which are perhaps much more sensitive in terms of bringing in the whole justice issue, to try and then get them engaged, or indeed the victims. In terms of the work with the victims themselves, I think the other thing that we need to continue to do, and we have started doing it over the last number of years, is to facilitate them in terms of telling their story because one of the things that I think we need to get out of any process is to humanise the situation because I think it is only by humanising it, rather than sort of lining up legions on either side with defensive stories, that we can actually ever get any short of shared understanding of what hopefully would lead towards the reconciliation that we would like to see coming out of it.

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Q129 Mr Luke: How successfully do you think the official processes which have been in place, such as public inquiries and the criminal justice system, have been in dealing with the past?

Dr Morrow: I think there are two levels of this. I think having announced them, they have to continue, and that is the reality because once they are announced, coming back I think would be extremely difficult. The second level is, however, it is clear that the simple statement by a judge, "This happened, this did not happen," does not clarify it for people. I think the experience of the Bloody Sunday Tribunal already is that these are expensive, they raise issues, they are not community reconciliation processes. A judge may say this or that, but it is left very much in the judicial realm. Part of the problem we have here is that I think for the state, things involving the Government where it is necessary to re-establish a trust in the issue of law, I think there is an argument that can be made that it is necessary to be clear about what happened in order to establish a basis to work into the future, and that needs to be the reason rather than believing that this is a restorative process because I do not think it is restorative for people on the ground and if we are talking about something which really begins to restore people to a sense of full citizenship and of relationships with one another then we need to think differently than just inquiries.

Q130 Mr Luke: What would be then the advantages of community-based approaches over the official initiatives given the different views that we can see and have seen in some evidence we have taken in relation to the divide in Northern Ireland?

Ms Kilmurray: I think it probably will need both because I think there is such a complexity of issues there. I think that certainly there needs to be community-based approaches and I am very conscious that a lot of the attention in Northern Ireland has been on the South African models and there are many other models in terms of truth and justice in other divided societies. So I think we need to take a broader scan of those. At the same time, I think there does need to be some sort of judicial approach. Certainly, as Duncan says, the Judge Cory ones have to go ahead. That expectation was raised so I do not think we can change from that. In terms of looking at, I suppose, some of the allegations that might have come from the Stevens Inquiry and things like that, there are questions to be answered there. But I think it will probably take both approaches. On the last point, we are very conscious of the cost of the current Bloody Sunday Inquiry. I think what we need to do is to take an approach that even if it was judicial, it is cast in some sort of a framework where it does not appear to be just—even the victims themselves, I think, would sort of say that if that money had been spent perhaps on some of the more community-based approaches it could be as well spent.

Dr Morrow: Can I say, though, that I honestly think that if it is single community approaches rather than a collective agreed process in which

communities are interacting with one another the danger is that it will actually just inflame, because one side will tell its truth. One of the problems is that it is difficult to move in an incomplete way at this stage until there is some sense that we share a common future together, that we are going to work together into the future. At the moment, I think we are dealing with small steps, what can be done to mitigate, alleviate, move things while hopefully we are waiting for some more comprehensive deal and I do not think that community justice in this sense on its own without reference to everything else will do it either.

Q131 Mr Luke: My last question. What is your honest opinion on the Government's proposals on its present initiative to deal with the past? What are the major limitations that you can see affecting this? You were talking about the South African situation.

Ms Kilmurray: I think looking at it from the point of view of local groups, one of the concerns is that when this issue comes up it seems to be an ongoing process of almost crisis management, that we need to do something so that we can draw the line in the sand and move on, and I do not think that approach will work. I think, as I say, it will take a collective acknowledgement from all the parties to the conflict, including the Government, and then a sort of longer-term process which allows different groups to come forward and get involved in looking at the past. I think there is almost a sense of, all right, we have another set of negotiations, therefore this issue bounces up again. We need to take it on its own merits rather than seeing it as being one sub-clause in whatever set of negotiations happens to be going on at the moment.

Mr Luke: Thank you.

Q132 Mr Beggs: Good afternoon. Why do the causes, context and "truth" of the Troubles need to be explored and established in an official way?

Ms Kilmurray: From my point of view, I think we need to explore it in order that we can start setting out the terms whereby we are going to live with each other, because I think if it is not explored it will continue to be a running and divisive sore. So albeit that the initial discussion will come from a whole range of different political perspectives, we do need at least to try and start untangling those different perspectives so that we can start seeing what are the things we need to do to stop this ever happening again.

Dr Morrow: Can I just say, I think there is a difference between the causes of conflict, which will always remain to be reminded and disputed and some work which is done on the motivations which drove people to do things which we now call unspeakable and which have to stop if we are to have a shared future. We cannot be bogged down in it, I think, but unless we have some understanding of that motivation and at least some recognition that people were acting on different motivations then I think it is actually quite difficult to access what happened except as something

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requiring judicial redress. My view is that it is only by way of saying, "These were the motivations. It's now over," that gives us some possibility to move into the future. So that would be my view of it, not to try some final cause, the cause was number 42. We will not get there.

Q133 Mr Beggs: You argue that we should aim to create a "shared" society instead of "separate (even if peaceful) co-existence". Is this a realisable and practical objective?

Dr Morrow: Well, I suppose my view is the alternatives are, what, unshared and not peacefully co-existing? The peace process to me is premised on the view that we are moving forward to something which we collectively can work together, which allows us to live and work in peace and live normal lives. I think, therefore, that it will always remain the Holy Grail of Northern Ireland politics but I think, certainly from the Community Relations Council's point of view, it is the Pole Star by which we orientate what we are trying to do and we think it is the only noble objective if the alternative is simply ongoing hostility and antagonism.

Ms Kilmurray: The rider I would put to that—and I totally accept all that Duncan has said—is that we are a very small population in a very small place and even in economic and social terms I do not think peaceful co-existence mounts up.

Q134 Mr Beggs: How can a shared society and future ever be defined where people continue to hold fundamentally different views both about the past and the future of their society?

Dr Morrow: Well, this is why we are having an inquiry, I suppose, because it is extremely difficult. My view is that we may not be able to agree that, but we can agree the interim position that we will work together. We can agree a rule of law. We can agree that there are mechanisms by which those changes are negotiated between us and we can begin to work on a social and economic policy and even, in a dream, a justice policy around that and that that creates a quality of life which does not continue to create victims. The bottom line measure here is, can we have a society whose relationships are sufficiently stable, even as we are going in different places, to agree that we do not kill each other, that we allow ourselves to work, live and play together and that we will sort the future out through agreed mechanisms and run a rule of law which has a monopoly, a balance, in the hands of the rule of law. In my view, those are all legitimate goals. It has taken us 35 years to get here. I am not here to say this is easy. I do think it is a noble and necessary experiment.

Q135 Chairman: Only 35?

Dr Morrow: Yes, hundreds and 35—400, 800!

Chairman: Tony Clarke.

Mr Clarke: Dr Morrow has just answered my question.

Chairman: Fine. Thank you very much. That is wonderful, somebody declining to speak. You are setting an example to us all, Dr Morrow!

Q136 Mr Hepburn: You have said that you welcome this inquiry but you would like to see it as a much longer and more in-depth process. What did you have in mind?

Dr Morrow: Well, to be clear, I suppose I think you should not force yourselves to come to absolute conclusions. My view is, the real question is what can we do now, with the opportunity to come back to it. I suppose we are starting the perspective. The answer, a truth and reconciliation commission on the South African model, for my money, at the present moment is not the answer. The answer is, there are things we need to propose that should be done. There are questions which require political accommodation. Should that happen, we need to return. There are questions which the Government needs to consider about how statutory services should be put together. All these things can be done. We can recommend that there is a wider truth process. We have recommended in there that it might be possible for an international and local group to really look together at what was the damage done in Northern Ireland, what is the legacy as an interim model, to try to create some kind of collective ownership of the damage, that the first memorial we put in place here is not the redress of individual concerns but the recognition that what happened in the past should not happen into the future and to try to learn some lessons from that. But that is just one possible option. I suppose the short answer to your question is, it will not be done this time. Please do not see this as dropping it, but as putting it off until it becomes more appropriate to be dealt with into the future.

Q137 Mr Hepburn: Loyalist opinion seems to be that they do not want to take any part in any truth process, truth inquiry. How would you convince them and what do you think the advantages of one would be?

Ms Kilmurray: I think we can convince them by continuing to work with them at local community group level. There are ongoing discussions among the various loyalist groups about this issue and I think the main thing that will convince them, certainly at the initial part of the discussion, is that it is collective response rather than an individual response. They have a huge concern that we are going to go straight into a South African model where it is individual perpetrators facing victims and that discussion taking place. One of the points they make strongly in any of their submissions is that they feel not only obviously at odds with the republican-nationalist community but at odds within their own community; that they see themselves as being scapegoated within the broader Unionist community and are concerned that if it is a matter of individuals coming forward that will have adverse effects in terms of not only themselves but their families, and so forth. So I think if it can be explored in terms of, "What was the motivation for you, as a group of loyalists, to do X, Y and Z?" then there is more chance that they will get involved, and indeed already have in a number of cases.

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Dr Morrow: I worked on the Sentence Review Commission, which released prisoners, in a capacity but it is appropriate here. What is clear is that the overwhelming proportion of perpetrators, particularly on the loyalist side, were young men between the ages of 16 and 25 from the working classes. They are the infantry in normal armies. The problem we face here is, did they act simply as evil individuals or were they picking up signals which gave them the kind of signals from the broader community that this is what the community wished of them and told them to do? I have no doubt that individual responsibility is there, what people do, what we do, so that is not what I am arguing here. I am, however, arguing with Avila that there is a wider context in which systems were not able to deal with each other, in which they carried out the worst atrocities, and somehow we have to get an acknowledgement that while everybody did what they did, they did so within the context in which there are, if you like, diminishing amounts but nevertheless real responsibilities right throughout the system into the heart of our communities, even where we do not yet recognise it. That is going to be a hard process because I honestly believe the people who did not actually carry out murders find it difficult to see how they connect to it all in some way and there will be big resistance to the notion that unwittingly and at times unwillingly we participated in creating the climate in which this happened, and it happened for 16 to 24 year old young men in working class areas. So we either have to come to the conclusion that they are a particularly difficult group of people or that they were picking up signals from a wider society and to convince them to participate they have to believe that there is some sharing of responsibility beyond them as individuals otherwise they will not.

Q138 Mr Hepburn: Do you think there would be any advantage in the individual communities holding internal inquiries?

Ms Kilmurray: I think that will happen but not in a formal sense. That in many ways is happening. In many ways probably it has not been captured but we have seen, certainly working with groups within the different communities, that discussions have taken place, or indeed internal challenges have happened. For example, a victims' group may be based in a republican area where local people, whose relatives might have been shot by the IRA as informers, are coming forward to get support, which causes that sort of internal debate. But that is the sort of thing which takes place over time and that is why we need the groups there in a sort of continuous sense so that we can have that sort of discussion. That is why we talk about a process. That really has to go alongside any sort of formal, cut-and-dried process because that will take time as issues come up, and they will only come up, as Duncan says, depending then on the macro-political framework. So I suppose the

challenge for your report is to try and identify the overall framework, but then what are the things that can happen now and then what can happen in a more sort of positive political accommodation.

Dr Morrow: Can I add—I am sorry, Mr Mates—that one of the problems with the peace process in Northern Ireland today is nobody was responsible. The really hard bit that it is difficult for people to hear is, “We did some things, or things were done in our name, which make us look like”—I will use a word which is extreme—“murderers to our neighbours.” The difficulty is that if nobody takes responsibility the people who are left high and dry are the victims because they say, “Well, nobody did anything wrong in this community and somehow we lost relatives.” The difficulty we have at the moment is that every time somebody names an atrocity, one group or another feels obliged to provide a rationale for it which makes it look as if while it was terrible, it was somehow justifiable within another wider rationale. So in my view, we do need some political process which allows people more broadly in Northern Ireland to accept that things were done in our name, by us, by people acting for our communities, which we now must recognise (a) must never happen again, and (b) actually left bereavement and injury which we cannot justify.

Mr Hepburn: Thank you.

Q139 Mr Pound: Following on from that, do you think that reconciliation can only advance as a process in tandem with a political peace process, or do you think it is possible to go ahead with reconciliation even if the political peace process is stalled?

Dr Morrow: My view is that the difficulty, as I say, is that it is never going to be one or the other; it is always going to have elements of both. I have to say the Community Relations Council's view was that we should encourage wherever we can find people who wish to look for reconciliation at whatever level they can act to do that, and that happened prior to any political process. Once the political process began we tried to support people as they tried to work their way around in this political process from all sides to find ways to move towards some kind of shared future, which we did not define constitutionally, we simply wanted to define it in terms of some kind of specific norms. Now, in the current context, I think the reality is we are again looking for people and institutions who can work at the grass roots level because that has to happen. Again, the push has to come from there that we should find another way forward. It is not either or, it is both arms, and there are steps we can take now even while the political process is down, but it will not be complete.

Ms Kilmurray: I would agree with that. The Community Foundation really since about 1997 has been bringing a lot of its grantees together and we would have some thousand organisations,

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and bringing, for example, people like Elbe Saks(?) from South Africa to talk about the importance of a Bill of Rights, people from Cambodia to talk about what they have been through, and Guatemala. So that sort of work needs to go on in terms of opening up options for people, to encourage them to look at options, and that can go on irrespective of or alongside the political process. Clearly, if there is some sort of

a political agreement or political settlement that sticks then it means that we can take much greater steps, but I would see the two as complimentary.

Mr Pound: Thank you very much.

Chairman: Thank you both. I think we got a lot out of a relatively short time. We have not got six more outside. So thank you very much for coming. We will adjourn very briefly. Thank you, Dr Morrow and Ms Kilmurray.

Memorandum submitted by the Eolas Project Group

1. INTRODUCTION

We welcome this opportunity to further the public debate on dealing with the legacy of the past and wish the Committee well in its deliberations. The question of truth processes is fraught with difficulty. We believe, however, that sensitively handled, it could provide a real basis for moving forward in a way which respects victims' needs, allows appropriate lessons to be learned and provides a basis for improved relationships across Ireland.

2. THE EOLAS DOCUMENT

Globally, dealing with the legacy of the past has become a characteristic part of conflict resolution. There have now been over 24 different formal truth processes throughout the world, the best known being the South African Truth and Reconciliation Commission.

In Ireland, however, instead of trying to build a healing consensus on these difficult issues, victims' issues have almost become a site of struggle. The pattern was set by the Bloomfield Report, which ignored victims of state violence when setting out a policy agenda for victims. Since then, dealing with the past in a way which acknowledges *all* the hurt and pain caused by *all* parties to the conflict has become more rather than less difficult. Everyone wants truth and justice for themselves. But discussions on how to do it are scarce.

In this context, an informal grouping of organisations and individuals working with victims and ex-prisoners in republican and nationalist communities came together to see whether there is scope for more focus on how a formal truth process could be achieved. We called ourselves Eolas (the Irish word for "information"). Essentially, we are working in the present through seeking to come to terms with the past.

The past cannot be undone but it is our belief that it can be dealt with in a way that acknowledges *all* the loss, the harm and the abuses inflicted. We believe that truth and justice processes can help to redress the wrongs of the past and support the transition to a just future.

We launched a document in October 2003 which examines the case for an official truth process and presents some models. The document is intended as a contribution to an ongoing debate. (It can be viewed and downloaded at www.relativesforjustice.com)

Whilst concentrating on discussion and consultation within our own community, we remain acutely aware of the range of unresolved issues and incidents that concern the unionist/loyalist community and people affected by the conflict in Britain. We affirm that these conflict-related incidents must be dealt with in the same way as the concerns of nationalists and republicans.

3. MODELS FOR DISCUSSION

The three models put forward for discussion are, we believe, suited to the particular local circumstances of the conflict in and about the north of Ireland. They show a number of areas of common concern:

- The importance of an international dimension to truth and justice mechanisms. This is imperative to ensure the independence of the process. In each of the models an International Panel was envisaged. There was general agreement that they should not be subject to "domestic" governmental or judicial control or interference. The method adopted for the selection of members of an international panel has to ensure impartiality and objectivity.
- A strong emphasis upon the need for a bottom-up, community-orientated and victim-centred approach. The role of NGOs was seen as particularly vital here. This would begin with their direct engagement in any negotiations tasked to design a mechanism. It would continue in providing

both interface and support functions during the truth process. Maintaining clear lines of communication with local communities and victims would be essential in preserving grassroots trust.

- A balance between an individual and an institutional focus. The need to address outstanding issues for victims and relatives in individual cases was clearly evident. Support structures, investigative processes and the publication of information should all be tailored to the needs of individual victims/relatives. However, there was a strong sense that structures, issues and role of institutions should also be examined. This should include the analysis of both combatant groups and other social institutions (eg churches, media and judiciary) in the generation and perpetuation of the conflict. Contact between the truth mechanism and parties to the conflict should be organised on an institutional basis. *All* combatant organisations should be encouraged to participate in the search for collective rather than individual responsibility.
- The investigative dimension. The models envisage the establishment of an independent body (or processes) vested with certain powers to uncover the causes, nature, extent, whereabouts and details of human rights violations. This investigative process should be as inclusive as possible and should include all actors in the conflict and stakeholders.
- The outcome of the process should be non-punitive and non-judicial. This was allied to the desire to avoid a process that sought to attribute individual responsibility. The possibility of amnesty, and/or having a criminal record expunged should be explored as part of the negotiation. It was felt by some that none of the evidence gathered in the investigation process should be used in future litigation. This does not mean, however, that a truth mechanism would necessarily preclude the possibility of pursuing other, legal avenues of redress. Outcomes should concentrate on delivering macro truth, documenting truth in individual cases and providing for public acknowledgement of suffering and wrongdoing.

It is our belief that an official truth process should deliver something specific and additional to other mechanisms for dealing with the past. The proposals outlined in our document are premised on the belief that full acknowledgement and understanding of the human rights abuses of the past can assist all victims and contribute to building a just future for all.

29 November 2004

Memorandum submitted by Relatives for Justice and New Lodge Six: Time for Truth Campaign

INTRODUCTION

A number of questions arise around the timing and formation of this Inquiry.

The most obvious concern is how this parliamentary initiative will sit with Paul Murphy's consultation on Dealing with the Past. Clarity is needed on this matter.

As the New Lodge Six: Time for Truth Campaign we would like to be in a position to initially welcome the inquiry but experience of British parliamentary democracy is such that we will await the outcome of the inquiry before reaching judgement.

We are a collection of family members who have come together, assisted by Relatives for Justice, to support each other in our desire for justice for our deceased fathers, brothers and sons, Jim McCann, Jim Sloan, Tony TC Campbell, Brendan Maguire, John Loughran and Ambrose Hardy, who were murdered by British Armed Forces on 03/04 February 1973.

Frustrated at the lack of an effective investigation into the killings we convened a community inquiry, with an international panel, into the events around the deaths. I have attached a copy of the findings for your inquiry. It is on this basis that we make the submission to your inquiry.

1. CONVENING OF INQUIRY

To date the British Parliament has yet to acknowledge that it was their legislation that discriminated against Nationalists in terms of housing, employment and voting rights, that detained them without trial, sought to criminalise their demands for justice and equality all in the name of democracy.

It was this democracy that contrived and sustained a politically bias legal system in the north and summarily executed people on the basis of their perceived political belief as referenced in various European Human Rights determinations.

It is not a matter of speculation as to how northern Nationalists were treated by successive British administrations. What is central to this discussion is that your process recognises, and acknowledges, what are factual experiences.

2. LACK OF INDEPENDENCE

How will you ensure that your inquiry will be conscious of its own lack of independence and impartiality in this process and any implications this may have for the inquiry outcome?

Your Committee will epitomise all that is, and has been wrong about British involvement in Irish affairs.

To build confidence your inquiry should publicly recognise that British parliament ratified draconian legislation that was applied with deadly consequences here in the North over the last 35 years.

In the absence of this public acknowledgement what potential benefits will your inquiry bring to this process of dealing with the past?

3. STATE RESPONSIBILITIES

The current public debate is framed within the context that there is no clear distinction between the role and responsibilities of state and non-state actors. This is clearly not an acceptable way to proceed with this inquiry. The responsibility is on the state as the guarantors of democracy and human rights to measure all their activities during the conflict against these benchmarks. How will your inquiry address this?

4. ACKNOWLEDGEMENT

The British Government has yet to acknowledge their central role in the conflict over the last 35 years in a way that will build confidence in their future intentions. Your inquiry must investigate the reasons as to why this is the case.

Other combatant groups including the IRA in July 2002 recognised and acknowledged that through their actions non-combatant lives were lost. Unionist paramilitaries in their 1994 ceasefire statement expressed “true and abject remorse” at their actions.

The conduct of the British Government over the murder of Pat Finucane, and the proposed inquiries Bill, gives all the indications the Government are not serious about acknowledging either their political or security actions in perpetuating conflict or worse recognising the human consequences of their actions.

This is also evident in the treatment of the families of the New Lodge Six where six unarmed men were murdered in a killing spree by British Army officers on 03/04 February 1973. (A detailed report is attached.)

5. VICTIM CENTRED APPROACH

As a consequence of violent political conflict in the north, and across the islands, many families have been robbed of the memories and presence of loved ones.

It is critical that the human impact of conflict is central to any process in dealing with the past. In this sense your process must be victim-centred and be responsive to the needs of victims.

6. WESTMINSTER POLICY CONTEXT

The experience of Nationalists across the North for the last 35 years stands as a living indictment to the failure of successive British administrations. British policy, in its various violent forms, from summary execution, collusion, torture and sheer brutality, has attempted to institutionally coerce, shape and mould the Nationalist community into accepting less than our just entitlements.

The British Parliament ratified draconian legislation that grossly violated human rights. It was the British Government using the Westminster process that imprisoned thousands of men and women on the basis of scant evidence or worse still on the evidence of paid perjurers.

These draconian policies and procedures were not subject to critical parliamentary scrutiny. If anything the passing of security legislation for application in the North was little more than a charade.

The British Parliament justified torture in Castlereagh and other police interrogation centres as referenced in various UN Reports. They justified British soldiers murdering men, women and children on our streets. And worse still soldiers who murdered our loved ones were retained as serving soldiers within the ranks of the British Army. Their legislation facilitated daily harassment, house raids, physical and verbal abuse. How will your inquiry address these realities?

They also developed and politically sanctioned a policy of collusion. A carefully crafted political policy using Unionist paramilitaries. The policy of collusion was to murder our loved ones, and to instill fear within the broad Nationalist community. How will your inquiry address these realities?

The British Parliament has never held anyone to account for implementing their policy in Ireland. In effect they have frustrated inquests, issued Public Interest Immunity Certificates, lost files, derogated from international norms of human rights practice and told lies.

7. HISTORICALLY CLARIFYING CONTEXT OF CONFLICT

Current public discourse is focusing exclusively around the needs of victims. The identification of a victim of the conflict is much easier and indeed much less complicated than the identification of the causes of conflict.

If, however, your inquiry is serious about dealing with the legacy of the past, painful as it may be, there must be an examination of the historical, political and legislative context in which our conflict happened. Any investigation must examine the causes, nature and extent of the political conflict here in the North.

There must be an investigative element that is independent, transparent and accountable, to any process that begins to look at the past. There must be a wider examination of the underlying causes of conflict. Any approach that stops short of this examination will not succeed. How will your inquiry ensure this?

Memorandum submitted by the Ardoyne Commemoration Project

The Ardoyne Commemoration Project (ACP) was established in the aftermath of the Good Friday Agreement in 1998. It was a community-based project made up of relatives of victims, community group members and general residents of the area. Ardoyne is a socially disadvantaged nationalist working class community in North Belfast with a population of approximately 7,000. It has witnessed amongst the highest levels of violence and fatalities of the recent political conflict. The project set out to remember the lives and document the deaths of the 99 people from the Ardoyne community who had died as a result of this political conflict. Of these 26 were killed by British state forces, 50 by Unionist paramilitaries, 13 by various republican organisations, seven as a result of accidental death, three remain unknown as to who was responsible for their deaths.

Over a four-year period the ACP collated and edited over 300 interviews, testimonies and eyewitness accounts of relatives and friends of the 99 conflict-related deaths in the Ardoyne community. The key principles that underpinned the project were community participation, local control/ownership and inclusivity. In 2002 the ACP culminated in the publication of a 543-page book entitled “Ardoyne: The Untold Truth” that contained the testimonies and six historical chapters contextualising the conflict. For many participants in the project this was the first time they had been given the opportunity to speak publicly about the death of their loved one.

The project has been credited with providing a space for relatives to “tell their story” and this had an impact with regards to healing, closure, recognition and acknowledgement. The ACP process also played a significant role in resolving a number of intra-community conflict related issues. While the project was credited with the above, the most outstanding and unresolved issue was that it could not provide acknowledgement and accountability particularly for victims of state violence. This tends to highlight the limitations of “storytelling” as a process in dealing with the past. For many of the participants it was important to recognise the inter-relationship between recognition with a need for acknowledgement, accountability and the delivery of justice in relation to loss.

A number of issues became apparent during the course of the research relating to all combatants that were responsible for the 99 deaths. For the purpose of this letter the ACP wish to highlight the unresolved issues with regards to the role played by successive British Governments since 1969. These issues can be summarised as follows:

1. The British State forces acted with impunity.
2. There was collusion between the British State agencies and Unionist paramilitaries. This was structured and institutional.
3. The British Government was an armed, active participant in the conflict.

Evidence for such conclusions is found in the testimonies of participants and is reflected in the detailed accounts of the circumstances of the deaths documented in the book. For example, of the 26 individuals killed by the British State forces not one person was arrested, questioned, charged or convicted despite the highly controversial circumstances surrounding virtually all of these killings. The relatives of these victims speak very clearly in their testimonies of the need to know the truth about the circumstances of death of their loved one and the lack of acknowledgement and accountability afforded to them and their families by the British State. The book also pointed out and documented that republicans were responsible for the death of a number of residents and that Unionist groups were responsible for over half of the 99 victims. A key point raised in the book was that all combatants in the conflict (British State, Unionist, Republican) need to acknowledge and take responsibility for their actions.

Undoubtedly dealing with the past is a sensitive issue for families of victims. If a truth recovery process is to take place then the feelings and concerns of all relatives must be considered no matter who was responsible for the death. However, the situation as it currently stands is that relatives of State violence feel that they have not been treated equally. A good faith pre-requisite would be for the British State to publicly acknowledge and take responsibility for its role in the deaths of many people in the conflict.

To date this has not happened, it remains an unresolved issue and a barrier to any genuine attempt to deal with the “legacy of the past”. Without such an acknowledgement any process will be regarded as partial and not designed to establish the full truth. Such an approach would be counterproductive and could be perceived as merely a way in which to conceal the truth. If a process were to occur it could run the danger of re-victimising the relatives hundreds of victims.

In view of the points raised above it is crucial that a hierarchy of victimhood is not reinforced by a partial account of the past. Moreover if such a process were to ignore the points raised above it would show a lack of commitment and sincerity on the part of the British State to genuinely address “the past”.

It is imperative that there is historical clarification on all resolved issues. If these issues are not dealt with in an open and honest manner then, as international examples clearly illustrate, they will come back to haunt future generations and may hinder attempts to reach a genuine and lasting peace.

1 December 2004

Memorandum submitted by Firinne

The Management Committee of Firinne, in County Fermanagh supporting and representing Victims of State Sponsored Violence would like to ask if your proposed inquiry into possible ways of dealing with Northern Ireland’s past has any spirit of generosity?

First and foremost, Victims of State sponsored murder demand acknowledgement from the British Government as to their brutal and oppressive role as major protagonists in this conflict and demand the TRUTH from them as a necessary first step in any process of reconciliation—the British Government is not an independent referee in examining hurts of the past where division and conflict have taken place, they simply cannot be arbiter to any inquiry. An inquiry must at the very least be independent and international to have the faith and confidence of all those directly affected.

Is the Rt Hon Michael Mates engaging in a similar process as the Secretary of State Paul Murphy?

With Paul Murphy’s consultation absolutely no-one has been consulted on “how to deal with the past”.

Is this yet another cosmetic exercise on behalf of the British Government in avoiding talking about the Truth?

It is obvious that when challenged with the TRUTH the British response has always been denial, concealment and cover up. Firinne, await a response.

Since the NI Affairs Committee press release we have had to deal with innumerable phone calls and visits to our offices by Victims of state terrorism in questioning what this is all about? Perhaps you might furnish us with an answer?

30 November 2004

Witnesses: Mr Mark Thompson, Director, Mr John Loughran, Board Member, Ms Clara Reilly, Founding Member and Chairperson, Relatives for Justice, Mr Tom Holland, Founder, Ardoyne Commemoration Project, Mr Mike Ritchie, Director, Coiste n-Iarchimi, and Ms Bernice Swift, Project Manager, Firinne, examined.

Q140 Chairman: Thank you very much, all of you, for coming. We are very pressed for time, I am afraid, but we just want to hear from you on some questions which I think you may have had indications of. What I would like to do is to ask one of you from Relatives for Justice and then the others who come from different organisations first just to briefly describe the main objectives of your organisation (which is why only one of you needs to do it), how you work with victims and how you think your work helps with victims and the wider society to deal with the past. So whoever you like from Relatives for Justice. Who is going to do that?

Mr Thompson: I will start. I am Mark Thompson. I am the director of Relatives for Justice. We are a support organisation which has arisen out of people who have been directly bereaved and injured as a result of the conflict. The organisation was

founded in 1991. It employs nine people. It has a voluntary staff of around 20 people. It provides a range of services. We are a service delivery through counselling, therapeutic support and other supports. We provide a range of projects and programmes about re-empowering people and dealing with trauma. There is a family support element of it and there is a legal and advocacy department as well, which assists families who have been going through the courts, seeking redress, seeking change, and engaging with the local domestic and the international legal framework. I suppose in the context of transitional justice and truth recovery, in the context of an evolving peace process we find it is particularly important work. We also welcome the opportunity today in the context of engaging with yourselves and getting more information.

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Mr Mike Ritchie and Ms Bernice Swift

Q141 Chairman: Okay. I am just going to stay with you a little longer, but do not worry, you will all get your turns. How supportive are you of the Government's present initiative to deal with the past?

Mr Thompson: We have been very vocal on the consultation that was announced by Paul Murphy and Angela Smith. We think that they have failed to engage directly with the people who have been bereaved. They have announced the consultation yet failed to engage the sector. There is a view across the sector, across the community, that the process needs to be a bottom-up approach. They need to be involved in it, they need to shape it, they need to be part of it and have ownership of it and it need not be led or driven by the NIO. There is a great feeling of resistance about that process not being right.

Q142 Chairman: If you think it should not be led or driven by the NIO, who do you think should lead or drive it?

Mr Thompson: Well, we believe—and we want to stress there is a precedent for this in terms of the Patten team that looked into policing—there needs to be an independent international agreed panel of people who would come in and who would travel around and engage opinion and over a period of time consult and make recommendations. We believe that the process of independence is key to it. We believe that there is interest within the NIO, and indeed parliamentary interest that they be part of this committee. That would not build confidence across the community given that there are sovereign issues and issues that would be of interest to a British state, given that they have been a party to the conflict. We do not believe that any of the participants to the conflict, whether they be loyalists, republican or the British state, or the Irish Government for that matter, should be in the process of driving any initiative, but we welcome the exploration of finding collectively an agreed position.

Q143 Chairman: Well, let me tell you that this Committee—and I know I speak for all the Members—has no intention of trying to do other than look, listen and try and set out some options as to what the way forward might be, and we acknowledge how difficult it is. It does not really matter which order we take people in. Can I start then with Mr Holland, the Ardoyne Commemoration Project.

Mr Holland: My name is Tom Holland. I am the chairperson of the Ardoyne Commemoration Project. The idea of the Project was to look at the Ardoyne area, which is a small area in north Belfast, a small nationalist-republican area, and look at the people who died as a result of the political conflict over the past 35 years. We have documented that 99 people from that area died as a direct result of the conflict and we interviewed over 300 people in the Ardoyne area for this particular Project. As a result of that, we have identified that 26 of those 99 were killed by the

British state agencies and that over 50 were killed by various Unionist paramilitary groups, and the rest were killed as a result of accidents and by various republican groups within the area. Some of the issues that brought up in are relation to why we are here today. But some of the issues brought up by the families we had interviewed over that three or four year period were in relation to the British state. The families felt that they acted with impunity and that there was a structured and institutionalised collusion between the British state and Unionist paramilitaries and that the British Government was an active participant in the conflict and all the issues relating to that in relation to the media coverage of their deaths, etc, etc.

Q144 Chairman: Thank you. Ms Swift.

Ms Swift: I am Bernice Swift and I am the project manager with Firinne, and that is a group which works on behalf of victims of state-sponsored violence throughout County Fermanagh. Our group was established in 1998 and we represent 12 families in particular who have been directly affected by murder through collusion with security forces. Presently we have three people employed who are currently working with the victims and their families, helping them to address their trauma and counselling needs and also in the pursuit of their legal cases to find out the truth about collusion in County Fermanagh. I am here representing the families today and asking how the Northern Ireland Affairs Committee can actually help with their inquiry, what they all might mean to the victims in County Fermanagh. The main question of the families themselves is how might the British Government acknowledge their role within the conflict in the North of Ireland. That is the big question and the families actually wonder where the spirit of generosity might be to lead that process forward.

Q145 Chairman: Okay, and Mr Ritchie finally.

Mr Ritchie: I have two hats on. First, my work is with Coiste n-Iarchimi, which is Irish for committee of ex-prisoners, with the republican ex-prisoner network throughout Ireland. That work involves coordinating the activities of 15 local projects which provide services to the ex-prisoner community. One area that we are particularly interested in is the question of dealing with the legacy of conflict, if you like, and for ex-prisoners that is two-fold really. One effect is the question of the "criminal record" that they have had as a result of their conviction in the courts. From our perspective that leads to their marginalisation in employment terms and in many other areas of public life. We would like to see an arrangement whereby something is done about these legal and administrative barriers which lead to such high levels of unemployment. Basically, the argument would be that if we want to build a just and peaceful society then everybody has to have a stake in it. If you have a substantial number of people, 25,000 people who have been through the jails,

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both loyalist and republican, if you have 25,000 people who have no access to employment, no way of playing a full part in society then you are creating an unstable society, a society which is not built on the principle of inclusion. So that is our core aim, if you like. The other main area of work that we are involved in is building dialogue with people who are opposed to the republican project, if you like, which our people are committed to. We have been involved over the last three years in building very important engagements with loyalist ex-prisoner groups, with members of the Unionist parties, with members of the Protestant churches and with other members of civic society in order to try and break down some of the prejudice which is so deeply a part of society in the north. So those are the main areas that I have been involved in with that hat on. The other hat I have on is that I am a member of the Eolas Group which produced this document that we referred to, and I am in that in a personal capacity, not as a representative of the ex-prisoner groups. But we do, I think, as an ex-prisoner organisation, recognise that it is important that as part of dealing with the legacy of the past there has to be an inclusive approach and we are trying to encourage people to take responsibility for what they have been involved in, and it is important that other people do that as well. So we are very committed to trying to generate that debate and that is what the Eolas document is about.

Q146 Chairman: This reaching across to the other community, which you referred to a few moments ago, how successful have you found that?

Mr Ritchie: Well, we think we have been quite successful. We have had an independent evaluation done, which has indicated really quite a high level of success. By their very nature many of these contacts are required to be confidential so we cannot publicise them too much, but many people are aware of that work that we are involved in, and this is something that we are very committed to continuing to do because in some senses the feeling would be that the political process over the peace process has been very top-down, very high level, and there needs to be kind of contact and a good spirit further down society, and that is the kind of work that we are involved in.

Q147 Chairman: Right. If I could just ask one more question because it cropped up last week when we were looking at the same problem, if you like, from a different perspective. You say that the ex-prisoners are being discriminated against in employment. Are you referring to the government, the police and the Armed Forces, or are you referring to right across the board?

Mr Ritchie: I think across the board in general. The problem is that a legal system has been established to deal with criminal record checks as character checks for employment in the public service, which is the largest employer in the north.

Q148 Chairman: So it is the public service you are talking about?

Mr Ritchie: The public service, but also in other fields as well. Right across the board this question of the record is a major barrier to full participation.

Q149 Chairman: Is it simply those who are ex-prisoners themselves or does it reach down, maybe to their sons and daughters? Does this become a growing problem because of the family or is it simply the man himself who was convicted and served a sentence and has a record?

Mr Ritchie: And quite a number of women as well. So it does affect families.

Q150 Chairman: Yes. Personally is what I meant to say.

Mr Ritchie: Yes, particularly if they are seeking employment, say in security at airports. This would be one example where we are aware of children of ex-prisoners who have been blocked from employment in that sphere.

Q151 Chairman: Is that a problem which you have made representations about?

Mr Ritchie: Yes, quite high level representations.

Chairman: Mr Tony Clarke.

Q152 Mr Clarke: Thank you, Chairman. The argument for truth and dealing with the past can be seen as two totally separate issues and I think one of the things the Committee has been conscious of from the start is that we have set ourselves an almost impossible task in trying to provide evidence to the Secretary of State, which will help him, in turn, in his desire to deal with the past. It would be helpful for us, I think, given that there are probably as many differing views around this table as to what the answers are as there probably are on that table, if there was an indication as to whether or not there is an acceptance that a Committee like this can be of use in delivering a message to the Secretary of State on behalf of those who would be involved in such a process, in other words accepting that there has not been in the past and probably would not be to the satisfaction of the community enough engagement before the Secretary of State says, "This is how we would like to deal with the past." Is there a merit in a system like this which enables a Parliamentary Select Committee to present evidence to the Secretary of State before he defines what he means by "dealing with the past"?

Mr Thompson: I think there is merit, and I think there is merit in the exploration of it already, using it to engage with the public, with us being here as an example of that in assessing the view on the ground. The Secretary of State, despite stating the nature of the consultation, they have not legislated for it, they have not put it in action and it has not happened. He has said he has been taking academic soundings and that has galvanised opinion on the ground across the board from groups as diverse as people affected by republican violence to people

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affected by state violence and people affected by loyalist violence. It has galvanised that collective experience for them. We say in a collective voice that a process needs to be genuine. People distrust the context in which the announcement about a consultation came out. It came out on 1 April in the context of announcing inquiries into a number of killings.

Q153 Chairman: That was not a very auspicious date, was it?

Mr Thompson: Well, I think you can draw your own conclusions from that. I am not commenting. But I think, and I am speaking from a personal experience of engaging with people within the Unionist or loyalist community, there is as grave a mistrust of the intentions of Paul Murphy and the NIO about this as there is that exists within our community and the families we work with, and I think what we need to have is an exploration of dialogue about assuaging ideas, about the notion of truth and justice, the notion of “truth recovery”, because I spoke to a loyalist recently and he was of the opinion that it would mean individuals, and of course our interpretations and concept of justice are very much different; they are not punitive and they are set in the context of moving society forward as opposed to taking us backwards. So I think what we need to do is put our heads together and Committees like this play an invaluable role in that contribution of trying to find an agreed position whereby we can be collectively in a mechanism or a framework with the past, which does not bring us back to the past but tends to provide information that allows families to heal, allows communities to heal, provides recognition and acknowledgement of the hurts and pains by the protagonists to the conflict and allows us to collectively move forward. So yes, I suppose today is a worthwhile exercise within that context.

Chairman: You do not need to add anything if you agree.

Q154 Mr Clarke: I am just conscious that in terms of reading Bernice’s evidence there is a key question in terms of the organisation that you are representing. The first question is, what is in this for us in terms of is this real? We are not on camera, but for my part, and I think many other people in the Committee, there is a genuine desire for us to contribute towards the Secretary of State’s deliberations, but we can only do so if we have got cooperation. We have already heard from witnesses, particularly in terms of the loyalist community, that there is little faith in a process because they believe there is little in it for them. For us, from the republican-nationalist community we would like to know that they believe there is something in it for them so that we are not wasting our time.

Ms Swift: Well, I hope our time is not wasted either, having travelled over here today and it is very reassuring that there is that first step taken and we have the principles now at this juncture and

hopefully it will get into a better process. This is the first sounding so at least as a result of this meeting I can go back and feed back and see how we can move forward, obviously, but I hope that this is the first step to something that will be worthwhile. As Mark says, there has been little or no faith with Paul Murphy’s consultation because he has not consulted with anybody in the victims’ sector.

Mr Ritchie: If I can just add, for me the key question is whether your deliberations and your report contributes to a mood of generosity in relation to dealing with the past or it continues again a notion that, well, the victims’ issue is something we continue to fight the war on. I think that has been a depressing aspect of civic society in the north over the last number of years. With due respect to Sir Kenneth over in the corner there, I would say that his report contributed to this notion that there are hierarchies of victims, that there is a way in which there are some real victims and then there are other people who are not real victims and need to kind of basically accept what happened to them and put up with it and just carry on. I think what we have been trying to do through the Eolas discussion that we are all involved in is to contribute to a more generous approach where we are saying that we recognise that our community has been involved in creating hurt. We would like other people to equally recognise that they have created hurt and we would like some meaningful discussion as to how we can take this forward. I think a key thing—and this will be the test of your report—is whether you are able to say to the NIO, “You’re not the people who should be leading this.” There needs to be independence and there needs to be a recognition that the British state was a combatant in the same way as the IRA was a combatant and the loyalists were combatants. If you want a real process then you need to ask somebody else to do it. If that is the message that comes, then I think it will be absolutely excellent.

Chairman: Let me just at this point say that we are constrained by two things. One is the imminence, probably, of a General Election, which is why we decided that we wanted to start on this work before we break up. We cannot commit our successors; none of us may be on the next Northern Ireland Affairs Committee, although I suspect we will. Oh, no, you are going. So that is a constraint for us, but we reckoned it was right to start hearing from victims and victims’ representatives and organisations. The second thing which, just before Mr Clarke came in, we concluded informally is that it is not just any input we might have, we do not believe that there is any way in which you could start a formal process, which this is not—the Committee is formal but it is not part of the process—until everybody in the community or most people in the community are ready for it. One of the echoes we are hearing from both sides is that there are some victims and victims’ organisations who patently are not ready for that, and this is something which I think we are going to have to spell out in as moderate a way as we can find before

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we break up. So I did not want you to think that you are going to get a report from us on the way forward on what is an immensely sensitive and complicated subject when the likelihood is that we have only got about another five or six weeks of this Parliament. So those are constraints over which we have no control. If Mr Blair changes his mind, that is quite a different matter, but the omens for that are not particularly clear. I just thought it was right to say that now. Mr Stephen Pound.

Q155 Mr Pound: Thank you, Chairman. Welcome. You have been pretty scathing in your comments about the consultation from the Secretary of State and from the NIO. What about the Office of the First Minister/Deputy First Minister? Have you had any contacts? Has there been consultation? Is it any better?

Mr Thompson: The initiated a consultation on victim strategy and we lobbied them at the time to deal with the issue of truth and justice and they long-fingered it. I think it goes back to the point that Mike had said, understanding the issue on the ground—

Q156 Chairman: Could you just record for the record when that was that you lobbied them?

Mr Thompson: By letter, by discussion.

Q157 Chairman: When? Two years ago?

Mr Thompson: Well, it will have been during the consultation of their victims' strategy, which would have been around 2002, 2001, if my memory serves me correctly. I think that because of the issue being a contentious issue and one we describe as a site of struggle whereby the issue becomes a political issue across the political divide, they long-fingered it and decided not to deal with the issue of truth and justice, which was somewhat disappointing. They instead dealt with issues of service delivery and best practice. Whilst they are important and I do not undermine them, and we often say this, we will continue to service delivery through generation, through generation, through generation, as the trauma perpetuates through the issue of not addressing this directly. I take on board the Chairman's points about the restrictions imposed upon your own Committee, but that does not mean that the work should stop. We should continue to collectively explore this issue, we should continue to collectively dialogue, we should continually spell out exactly what it is, the needs that exist, and assuage certain fears that exist throughout the community about dealing with the past. The context in which this will arrive will possibly only arrive when there is political agreement, and unfortunately we do not have that currently, but I believe that we can find the mechanisms—the inference for a particular mechanism or vehicle—that strive towards them so that when those conditions do arrive we will be in a better position to resolve the issues of the past.

Mr Pound: Can I thank you very much indeed for that answer and congratulate you. I do not know how you did it, but in the course of answering that question you actually answered the question I was just about to ask!

Chairman: Well done, both sides. Mr Roy Beggs.

Q158 Mr Beggs: Good afternoon. Do the current official strategies for victims address the issues which victims themselves say is most important?

Mr Thompson: I think the central issue is the issue of recognition and acknowledgement with the families that we work with, and I must stress for the Committee that we are working with families from the Unionist and loyalist community as well as the republican and nationalist community, people affected by violence. In the absence of culpability being accepted, in the absence of what they see as proper investigation into the killing of their loved ones, in the failure of all of that I think that the primary object for them is a sense of redress and how they find that and the realisation with inquiries into a number of killings—and we organisationally have a responsibility of working with so many families—that there are not logistically the resources available or the time span available to deal with all of those things and that not everyone is going to get an inquiry. So there is a responsibility on us to find a collective process that addresses those issues. As Mike said earlier, principally we do work with people in a nationalist and republican community, not exclusively, but there is also a realisation in the context that people from our community want a certain thing and then people in another community require something similar and it requires participants to the conflict within our community to be creative, imaginative and generous too. It is about what we are doing here with the Eolas Project. It is an exploration of dialogue even within our own community about those issues.

Mr Holland: In relation to the families that we interviewed in Ardoyne, the people were not looking for convictions, they were not looking for people to appear in the dock. Basically, what they were looking for was the truth and they believe that certain people have the truth and that if that truth could be passed on to the families and to the community and to society in general that basically was the result, the end product of their demands.

Ms Reilly: I have been involved in human rights issues for the past 30 years. It is ironic that I am here in London today on one of the cases that I campaigned for, the Guildford Four, the Birmingham Six along with Raymond Murray and Denis Faul. For 30 years I have done that work, I have taken statements, I have been a volunteer, and I am now with Relatives for Justice. It is dreadful to see the pain on the people's faces because it is true to say that when the ceasefires were called in 1994 individuals and whole communities started to talk, some for the first time, about how the conflict had affected their lives. They started to talk about their loved ones because while the war was going

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on they kept their heads down. We found in our organisation that we were being flooded with requests, “Could you find out about my grandmother’s case,” “Could you find out about my mother’s case,” “my father’s case.” It was unbelievable, the people who were coming into our office who did not have all the information in their hands about the death of their loved ones, especially those who were killed by the state, and that hurt was very culpable, it was terrible and it was inter-generational; it was not only the sons and daughters, it was the grandchildren who were now asking questions, and they are still asking questions. We started to open up to the families, first of all just to have a listening ear, because for 30 years nobody listened to them, nobody wanted to know. So they came to us and we listened to them, and then we put into place all the safeguards to protect them, that they were in a safe environment where they could come, they could tell their story and we could get them legal advice, we could get them counselling, we could get them therapies. We could start to do all these things, just little steps to help them. One of the projects we are working on at the moment is the remembering quilt. We thought about what way we constructively remember, each and every person, and we came up with this. There are 49 squares on each quilt. We are now into our ninth quilt, so the project is growing and growing. Each family has a little square dedicated to that loved one. There is no barrier on what they want to put on that little square and most of them are not about how that person died, they are about the person as an individual and about the awfulness that ended their lives. We keep saying when someone dies it is the end of life as they know it, but it is not the end of their identity; it is not the end of who this person was, the community they came from, the family they came from, and they all have to be remembered in a constructive and loving way. This has been one project that has gone from strength to strength, and it is still ongoing. We work with the people in the Protestant communities and we are encouraging them so see if they can see that they can put a square on to this. There are families from the Protestant that have done just that. What we are saying is, “If you can’t buy into this, then make your own square. We’ll give our expertise, we’ll bring the women along who do the sewing, we will help you,” to all the communities, regardless of what the circumstances are. That is the beauty of this quilt, there are no deserving and undeserving victims in it. On these quilts people have been killed by all the protagonists in the war and it is a recognition that all our grief is equal, and it is also a recognition that we will not tolerate a hierarchy of victims because each life is precious.

Q159 Chairman: That is very helpful indeed. Would you be able to leave that with us?

Ms Reilly: We have some that we can leave.

Q160 Chairman: Let me just ask you one question. I do not want to go into the rights and wrongs, that is not what we are here for today, but when you say there are people who are asking how their mothers and their grandmothers were killed, we are not then talking about any combatants from any side or any paramilitaries or anything else? Or are we?

Ms Reilly: Well, most of the ones that we would be talking about would be people who had been shot by the British Army in the early Seventies, or the RUC in the early Seventies, where the families do not have any records as such. They do not have inquest papers, they do not have ballistic records, they do not have anything like that. It is amazing how many families—

Q161 Chairman: Mothers and grandmothers?

Ms Reilly: Yes, very much so.

Q162 Chairman: Bloody Sunday aside, that was a pretty rare occurrence, was it not?

Mr Thompson: Three hundred and seventy-six people were killed by the British Army and the RUC.

Q163 Chairman: I did say, and I will leave this subject in a minute, I do not want to get into this. This is not what this inquiry is about. You just mentioned mothers and grandmothers, who by implication had no part whatsoever in the argument but were just sort of killed on the way?

Ms Reilly: Yes.

Q164 Chairman: There must be very few of those?

Ms Reilly: Absolutely not.

Q165 Chairman: How many of them?

Mr Thompson: One hundred and ninety-one civilians, 75 of them children, killed—

Q166 Chairman: Has no one provided any explanation at all as to how those deaths occurred?

Mr Holland: I can give you an example of a 76 year old over in Ardoyne who was killed in January 1973 walking down Ladborough Grove and she was shot there by the British Army in the Old Park Road. The British Army put a statement out right away saying they had shot an IRA gunman. It was not until the next day that the British Army changed their statement and said they had seen an IRA gunman stand beside this old woman and they shot at him but they accidentally killed that woman. That family had no recourse to any sort of justice or inquiry in relation to that woman’s death. It was just put down as an accident of war, but that is a real case. That was Elizabeth McGreggor, by the way.

Q167 Chairman: Okay. I just wanted to be clear.

Mr Loughran: I think one of the other cases often forgotten is the case of the New Lodge Six, aside from Bloody Sunday, where you had six men basically who were shot dead as a result of activity

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by the British Army, nothing like what happened in Ardoyne. The policy of disinformation was certainly that almost immediately they said that these men were gunmen and their whole characters in some sense were tried to be publicly discredited. I just want to finish on one of the key points. What we have done as families and also as a community is to begin to tell our story around that series of events on that night. The report which was submitted to the Committee highlights the very fact of the failure with the process of an effective investigation. A lot of these things were not effectively investigated, but what we have done is—and I think it is important in the sense of acknowledgement and recognition—we can acknowledge what happened, but we also began our own process to talk about these things and we established the facts of what happened and we got the eye-witness accounts. One of the other things, just going back to what Clara said, the key thing is that the community now knows what happened. We have a version of events that will be challenged and I suppose the key point is that I do welcome the opportunity to be here. At least people are aware that these things happened. I am not being selective, I am talking right across the board, and the key thing is that these are mothers, fathers, brothers and sons.

Q168 Chairman: Okay. I asked because it was the phrase “mothers and grandmothers” which got to me, but we really do not want to go down that road at this stage because that is for whatever inquiry comes to look at it.

Mr Ritchie: Can I just come back quickly to Mr Beggs’s question about the Strategy?

Q169 Chairman: Mr Beggs has not finished, so you certainly may.

Mr Ritchie: I think in a sense what people get is that there is a willingness at long last to resource victims’ organisations. It is sad that it never happened. Sometimes it is kind of a stand that it never happened before and I think there is an appreciation of the fact that regardless of the victims’ organisation it will get resourced if it is a legitimate organisation that has proper governance, and so on. So I think that is positive. But I think there is a broader sense in which, apart from resourcing community victims’ organisations, there will be a sense that the tendency is to direct mainstream resources into mainstream ways of dealing with victims’ issues and that is probably wasting money. For example, at the victims’ centre over in the university, the Trauma Centre, it is a very kind of top-down approach, which is maybe the way in which government departments like to work, but there is a feeling that those resources are not getting to the people who need them. The final thing I would like to say just in relation to the Strategy is that there is an unwillingness to deal with harder issues, such as the question of truth, such as the question of information, and our experience is that so many victims require

information and once there is state involvement then it becomes a bit tricky. Once you start talking about truth, there is a desire to long-finger it. So I think it is kind of a mixed thing, even on the question of resourcing. It is very much short-term resourcing, rather than allowing organisations to build up a credible strategic plan over the next five to 10 years. It is all about one or two years’ resourcing and that does not allow people to plan properly.

Q170 Chairman: As we said to the previous witnesses, that is the way government works. No one is going to change that. Can I just get one thing on the record. We have got a list of everyone who has had government funding. We have got Relatives for Justice nearly £800,000, we have Firinne £248,000, the Ardoyne Commemoration Project £9,000, but we have nothing for Coiste n-Iarchimi.

Mr Ritchie: One of the difficulties is that we do not actually fit under the victims’ strategy because we are an ex-prisoners group, but we have received Peace Two funding.

Q171 Chairman: You have received Peace Two funding?

Mr Ritchie: Yes, but that is not from government.

Mr Thompson: £800,000 is not the figure that we have received.

Q172 Chairman: No £778,497?

Mr Thompson: No, it is just over a couple of hundred thousand pounds. It is the wrong figure.

Ms Swift: The figure you have for me is also incorrect.

Q173 Chairman: Well, that is interesting. I am very glad I asked the question.

Mr Thompson: It is completely wrong.

Ms Swift: I wish I did receive that amount.

Q174 Chairman: How much have you had?

Ms Swift: It would not be anywhere near that. The Community Relations Council will be something in the region of £40,000 to £50,000 and the Community Foundation for Northern Ireland would be just over £70,000.

Mr Thompson: What we will do is furnish the Committee with the exact amount of funding, because I am very concerned about this.

Q175 Chairman: Well, this is a Parliamentary answer and if it is wrong I am concerned.

Mr Thompson: It is completely wrong.

Q176 Chairman: What about the Ardoyne Commemoration Project?

Mr Holland: I have not got the figures with me, but is it £9,000 you had?

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Q177 Chairman: £9,800.

Mr Holland: I would question that, but I will come back to you. I could give you a more accurate answer later, but I would question that.

Chairman: We need to get these things right.

Q178 Mr Beggs: We are leading into my next question anyhow. What is the risk if official victim strategies focus on service delivery and ignore issues of truth, justice and acknowledgement?

Mr Ritchie: In some sense these questions follow on so logically, as with Mr Pound. I think that is the issue. It is important that the services deliver, but one of the things that informed our discussion around the Eolas document was looking at international practice and increasingly you find that unless you have some process which tries to deal with unresolved issues, then those unresolved issues will come back and hit you a bit later down the line. That was really our kind of commitment, that if we want to see Ireland (north and south) moving forward in a peaceful way, some mechanism has to be found whereby all those people who really feel marginalised because of their victimisation during the conflict, unless they feel that their story has been told and there is some kind of official process which deals with all those cases then we feel that those unresolved cases will just pass on the trauma down the generations. So it is very important in terms of some kind of a victim strategy that this question is looked at, and of course we feel that it should be somebody other than the NIO, somebody independent of that.

Q179 Mr Beggs: Are there any pressing service needs affecting victims in the nationalist and republican communities which need to be addressed?

Mr Thompson: I think in general throughout the sector the same issues in terms of service delivery that would affect the people in our community would also affect people in the Unionist and loyalist community. I think on the question of resources—and I am concerned about the grossly exaggerated figure that we have received—I think it has been under-funded. I think the CRC in its last tranche of funding had applications which exceeded three times the amount they had to divide out amongst the various communities. The issues again can be sector issues that are top-heavy. We think that the statutory bodies need to work in partnership on the ground with the communities and the groups, delivering service provision. They need to work with them. They are regulated. They need to work in partnership, and we need the network for resources as well. There are so many competing needs in terms of the small pot that is available to service the entire sector. So there also needs to be the building of networks as well. I think that on the issue of service delivery and the needs, as I say, you can network on this. It is when you get into the difficult stuff of the contested area about causes, nature and extent of conflict and people bereaved, traumatised and injured that you

will find that is where the division is, and that is the tendency that leads to the long-fingering of this issue.

Mr Beggs: Thank you.

Q180 Chairman: I am very sorry I interrupted you, Mr Beggs, but it is very important we get this on the record. I am just going to come back to it for a minute. Can I just perhaps deal with you because the Parliamentary answer says that between April 1998 and March of last year you had £778,497. If you are telling me categorically that is not true—
Mr Thompson: I can tell you that is categorically not true.

Q181 Chairman: Even over all of six years? The answer then says that in addition to that, victims' groups may also apply for funding from any programme or scheme such as district council, communities relations programme or European Union funding—which of course applies to you. Have you had any European Union funding?

Mr Thompson: Yes.

Q182 Chairman: —from which they can satisfy the relatives, but this actually says “allocated by the NIO”. So if we could have a definite figure, I will go straight back to the Minister because Parliament should not be given inaccurate information. I am sure it is a cock-up and not a conspiracy—

Mr Thompson: No. Absolutely.

Q183 Chairman: —because nine times out of 10 it is. I have been there. I am asking you because you are a more formal organisation. Are you easily able to do that, you two?

Ms Swift: Yes, we are.

Mr Holland: Yes.

Q184 Chairman: And could you be in touch as urgently as possible with our office so that we get the record straight, because I think that is very important?

Ms Swift: Absolutely.

Chairman: Thank you so much. Now it is Mr Iain Luke.

Q185 Mr Luke: Thank you, Chairman. First of all, could I congratulate you on the rigorous approach you have developed in your consultation paper on truth and justice, the Eolas Project. You talk about in the conclusion obviously asking for comment, and obviously it is a credit to you how you have built through the seminars the discussion and brought this paper together. Could you give us some idea of how that consultation process on truth and justice has progressed?

Mr Ritchie: We have facilitated a number of discussions within our own wider community because in a sense there is an identified number of individuals who came together and wanted to share it through nationalist and republican communities in Belfast, in Derry and in Fermanagh, I think, and in Dublin we have had public meetings. We in some

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senses feel that the loyalist document, which I think you were considering last week with Tom Roberts and William Smith, was in some senses a response to that document and we are very, very pleased about that, that it has kind of encouraged some reflection on the loyalist side, and we hope to be able to have a kind of face to face discussion with them in relation to that. I think broadly within the nationalist and republican community there will be a deal of—and in some sense I am kind of slightly disappointed—nervousness about the issue. I think it has provoked, even at a political level, Sinn Féin to consider its position in relation to truth, and that has been a welcome development from our point of view. There have been some senses in which many people fear that we are taking an approach which is limited to the north, and particularly in Dublin people would have said, “This is a conflict which affected us too”. We used a formulation initially invented by the Healing Through Remembering Project, “the conflict in and about Northern Ireland”, which in some sense has tried to expand the remit of the discussion. We feel that there are issues across the island which need to be addressed in relation to this. So that was a very strong reaction. There was also a reaction that we are maybe letting the government off. For example, republicans would say, “Yes, republicans were involved in the conflict.” They were quite happy to kind of acknowledge their role in the conflict, and they have paid for their role in the conflict if you think that 15,000 republicans and 10,000 loyalists have been through the jails then there has been an element that people have been punished, if you like, by the state for their involvement. When you look at the state’s involvement in the conflict, the figure we use is that republicans have spent 100,000 years in jail and state agents have spent 20 years in jail. That is the kind of imbalance that republicans would look at. When the state was responsible for 300 plus killings, what is it, four people have been convicted and two of them, of course, were accepted back into the Army. Their criminal record did not stop them getting employment. So there has been the sense that if we are looking for an accounting for people’s role in the conflict the British state has a lot more accounting to do than the republicans. They (republicans) have been subjected to the law, if you like. So there would be a kind of quite negative approach. What we are trying to do is to encourage people to say, “This has to be a victim-led approach. Victims of republican violence have had more satisfaction than victims of state violence.” Everybody’s pain is the same is what we are saying, whatever the ideological approach behind people’s involvement in the conflict. So we are trying to encourage people to take a more holistic approach and I think one of the key things—and we said this in a sense to the loyalists—is that loyalists are very, very scared about this individualising approach. They say actually in their document, “We are the ones who will lose out,” and this is a very small place and everybody knows everybody else. If it is like the

South African model with people coming forward and giving evidence and saying, “This is what I have done,” people will never be able to move on. So what we have said very strongly is that you need to have an institutional approach. It is not about the individuals who are involved, and this is an important thing as well for republicans. There is such a very strong sense that people do not talk about their involvement because that is the kind of habit of 30 years and army discipline, if you like, in terms of the IRA. So people are unlikely to talk about their individual involvement, but if we could have a process whereby the organisations, the combatant organisations and institutions were willing to take a role in saying, “This is what we did, this is why we did it,” in relation to their policies and in relation to individual incidents, we feel that would protect individuals but also provide societal healing. So it has been a mixed response, but I think we have managed to provoke much more of a realistic discussion about the issues.

Mr Thompson: Can I just add, within the community there are informal mechanisms for families to deal with issues. We have dealt with quite a number of people within our own community who have been affected by republican violence where they have come to us privately and they have asked us to support them to engage the republican movement to find out what happened. That process has happened privately. Sometimes it has happened publicly. Recently the family of a young 15 year old boy who was murdered in the early 1970s, Bernard Taggart, engaged with us with the republican movement. They have received a lot of information privately and publicly they have received an apology from the IRA stating that it was wrong, that it should never have happened and essentially setting the record straight for the family. A couple of families in the loyalist community have come to us as well who have felt isolated in their own community. They have initiated a process as well with the UVF and it is being resolved. Those are informal mechanisms. How do we formalise those in a process which also includes the British Government? I think that is the key to it. It kind of perplexes me at times when we talk about issues of truth, justice and accountability and we have issues in the loyalist community that are raised, and then we have people in the Unionist community who publicly say, “Oh, that shouldn’t happen. We don’t want this. The victims don’t want this,” but in the next breath they say that there should be an inquiry into this with the IRA, and that is when we get into this kind of struggle. Either we believe there is a process of legitimacy, being engaged in dealing with the past, or we do not. I think we all believe there is and I think if we can begin to kind of dismantle some of the prejudices that exist and see them in the human context we will then begin to deal with it because it is a very human issue and no matter who you meet in the human context, whether they be a British soldier, a policeman, a member of the IRA, or whatever, or a civilian, I think people become disarmed when they see that

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human element and that need, and it is a need for accountability. Do you know where the starting point is? Again, I refer to Healing Through Remembering, whom we have had engagement with as well. I think there needs to be a commitment, in the absence of a process a commitment to find a process and a commitment to acknowledge, and in relation to the Irish Government and the British Government and I believe all the other participant organisations to the conflict, I think a public statement from them, a willingness to explore, engage in dialogue, about a process as a starting point would be helpful.

Chairman: Well, whether you get that from the Government is not for us to say, but you have had it from us, which is why you are here.

Q186 Mr Luke: You have actually answered some of the other points I was going to raise, but just to tease it out, Mark was making the point that it has to be inclusive but we know that on both sides of the communities there is probably some sort of fear and resistance to a move towards the truth and reconciliation. On the republican side, can you foresee an acceptance of the process on a wider scale? What is the width of acceptance on your scale on that side just now, and do you think we can bring everybody on board?

Mr Ritchie: This is just a guess and other people should come in on this. My guess is that if there was a real independent, probably international process to explore how it could happen, I think there would be a willingness on the republican side to engage with that. It is important that people do have some input. It should not be kind of a finished model, saying, "Here is the model. Either you participate or you don't." There has to be negotiation. Every truth commission has had an element of negotiation amongst the parties and every truth commission has been different, so to that extent the process whereby you set up a discussion that can come to a consensus around the model is important and I would feel that the republicans would be up for that, the wider political process having settle down a little bit, certainly from the current state of play. But I feel, if you look at Sinn Fein's statement on truth processes which they issued I think a year and a half ago, it is reasonably advanced and reasonably open and I have seen no evidence that that has changed. So I would be reasonably confident.

Mr Holland: That would be reflected in the work that we have done in Ardoyne, that some of those 99 victims were also killed by the IRA and some of them were in contentious areas, and the families have come to us and asked us to go to the IRA and ask them questions about certain aspects of their loved ones' cases that they had. We were able to go to the IRA and talk to the IRA and come back to the families and resolve some of the issues. Not all the issues were resolved, but there appeared to be a genuine willingness there amongst republicans to actually deal with those and I would say without doubt that republicans in general are willing, as

long as the circumstances are created, because republican are not going to move on their own. But if there was definitely a willingness, particularly on behalf of the British Government, then yes, I think republicans would definitely come along.

Mr Ritchie: Can I add one more thing, which I think has poisoned the atmosphere in relation to this—and I am not talking about the Northern Bank—it is the Inquiries Bill. In terms of how republicans see other people dealing with the past, they see the continuing resistance to have a public inquiry that the British Government committed to in the Pat Finnegan case, and then the Inquiries Bill coming out in the midst of the negotiations last year. I must say, having looked at the Inquiries Bill, I find it a mechanism to prevent absolutely the emergence of any information and any real acknowledgement about agencies' involvement in the past. So I think that has created quite a difficult atmosphere.

Chairman: We are coming back to that.

Mr Luke: Thanks for the generosity of your answer.

Q187 Mr Clarke: The ICP did some very good work in terms of looking in as much detail a it was able to in terms of those 99 cases. We always talk about the subject of closure. In terms of the 99, how many of those feel there is still no closure? You talked about the fact that not everybody is going to be satisfied if you give somebody the answer that they do not necessarily want to hear. Of the 99 how many were you able to achieve closure on?

Mr Holland: Well, for a lot of families closure meant different things. The very fact that they were able to tell their story and raise the issues in book form, for a lot of families that was closure. But if you are talking about in terms of the truth surrounding the circumstances of the death of their loved ones, which will be the sort of general level of closure that we come up with, for instance the 26 people who were killed by the British state agencies, not one of those families would say they have closure.

Q188 Mr Clarke: Let me redefine it. How many of the 99 accepted the outcome of your judgment as to who was responsible?

Mr Holland: Oh, 100%.

Q189 Mr Hepburn: In the Eolas Consultation Document you talk about the "macro truth" of the conflict. What does "macro truth" mean?

Mr Ritchie: I think what we are doing there is acknowledging that there are individual cases and individual victims who may have issues they want to have closure on or information about, but there is also what in the South African context was described as the nature, causes and extent of the conflict. So you have individual incidents but there is also a historical narrative. That is part of the purpose of a truth commission, to come up with an agreed historical narrative as to why the conflict happened, how it took place and who is responsible

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for what policies and issues. So it is not just about individual incidents, it is about wider questions and allows then society to move on with an agreed historical narrative. That is really the kind of thing we were aiming for.

Q190 Mr Hepburn: Just following on from what you are saying there—I presume this is what you mean—do you think that the social and economic background for the Troubles should be included in any discussion?

Mr Ritchie: Yes. Some of the models that we have put up for discussion looked not only at what victims wanted to raise in terms of individual cases but also in terms of whether they felt victimised by particular structural causes. Now, whether that should be done in the same way as kind of individual incidents of violence, if you like—we suggested as well there could be separate hearings around institutions and that could be around the judiciary, as happened in South Africa, the media, the role of the churches, various important institutions of the state. What did they do to try and ensure that violence did not come about? Once violence came about, did they actually try and end it or did they by the decisions they took actually allow violence to continue? The civil service should be considered. How was policy developed? Did policy allow for a rapid move towards negotiations or did it actually prolong the conflict? There are serious accountability issues, and that would apply to the organisations as well. So the IRA should be asked, “What was your rationale for car bombing? What was your rationale for a bombing campaign on the island of Britain?” They should be asked to justify it and then the panel should be able to make judgments. Was this a legitimate strategy for a guerrilla organisation? Did it actually bring about the end of conflict? Did it move us rapidly towards an end to the conflict, or did it prolong the conflict? Those are issues which the IRA has to answer. Similarly, the British state has to answer questions about its policy, I would say, on criminalisation in relation to the jails. By bringing five years of conflict in the jail, did that simply reinvigorate the conflict? What was their rationale for it? Do they feel that it had a beneficial role to play? So all those kinds of institutional policies, and those include social and economic policies, should really be involved in some kind of holistic truth mechanism.

Q191 Chairman: This is all very, very interesting and challenging stuff, but I think by the time we have finished with all the things you think need to be gone into we are going to make the Saville Inquiry look like a minor incident because the next question I want to ask you is in your paper, and I am afraid it is Relatives for Justice again. If we are serious about dealing with the legacy of the past, painful though it must be, there must be an examination of the historical, political, legislative context in which the conflict happened. So where do you want to start?

Mr Ritchie: Well, a hundred years ago!

Q192 Chairman: I am putting this light-heartedly, but I think you can see from our perspective—and we really are trying to take an independent view of this—if you are going to do all that then we are talking four or five years of some poor soul with two or three helpers sitting, sitting, sitting, listening, listening, listening, and then having to try and produce a report. You said the IRA should come and explain their campaign. Do you see the slightest chance of that happening? Is that a realistic aspiration?

Mr Ritchie: Well, I think in relation to both those questions—

Q193 Chairman: I mean, I could just as well have asked the question about the Shanklin butchers, but you said the IRA must come and answer.

Mr Ritchie: Well, I think from my point of view it is more likely that the IRA would be willing to do that than the loyalists.

Q194 Chairman: If I may say so, the example of Saville was not a very good start.

Mr Ritchie: Well, let us put that to one side. The key thing is how you get organisational buy-in. I talked earlier on about the fact that there needs to be an inclusive negotiation. In South Africa they defined the timeframe. They decided, “We will cover this period,” and that would be part of the negotiation. But I think at the very least the period before the start of the Troubles, say start in 1960, and at least you can talk about, “Well, what was it in that society then that led to conflict?” But that will be a matter for negotiation between the parties and I think if, for example, the republican community (but I would also say the loyalist community) felt that they had a say in the shape of the process that then is more likely to achieve organisational buy-in, shall we say. I think the fact that in our model we are not talking about being punitive to individuals is more likely to allow the organisations—

Q195 Chairman: We are coming to that. Let me just press you once more and then of course, Mr Thompson, you can come in. If the IRA refused to cooperate with a judicial inquiry for which the republican community asked and got as part of the Good Friday negotiations and they will not cooperate with that, what makes you think they would cooperate with the sort of inquiry we are thinking we might be able to set up? I am genuinely interested to know if you have any indication that they would see this as being any different.

Mr Ritchie: Well, there are two things there. The republican movement, as I understand it, encouraged people to participate in the Saville Inquiry but because it was about individuals taking the stand, I mean, they were not going to take guns to people and make sure they went to the stand. Either an individual decided to or not. For example, Martin McGuinness, as a representative of

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the republican movement, did give evidence and I know of other people who gave evidence. The kind of the republican line, if you like, was to go and give evidence, but you cannot force individuals and in some senses we are taking that into account.

Q196 Chairman: No, I was not suggesting they be forced, I was asking you what gives you cause for optimism that the next inquiry they will cooperate with and come and say why they bombed London and Canary Wharf?

Mr Ritchie: Well, I think because republicans have a commitment to a peaceful future where the past has been dealt with. That is my guess.

Q197 Chairman: Okay. That is very interesting. I am sorry, you wanted to say something?

Mr Thompson: It is just that in terms of getting into a new experience something could be four or five years.

Q198 Chairman: Can I just say, in case I am sounding to be one-sided, I put precisely the same questions last week to the other side.

Mr Thompson: Oh, no, no. I appreciate that completely. We are not going to look at individuals. We are not going to say, "This individual British soldier, this individual policeman, this individual loyalist or republican," and we look at it organisationally. We have to look at the context in which violence took place. It did not just take place for the sake of violence. Violence took place within a context of a series of developments, whether they be legislative, being made here at Parliament, whether it happened through the policy of the NIO or the policy of the particular organisation, that has to give that framework out of which things unfolded. People just did not become violent. People did things that happened, that should not have ordinarily happened in ordinary times. We did not live in ordinary times. There is a context to that and I think that that context must frame some of it to provide an understanding, to families as well, to begin to understand that.

Q199 Reverend Smyth: I want to look for a moment at the question of investigations and inquiries and get your understanding there. How successful do you believe public inquiries have been as a way of uncovering the truth and obtaining justice in Northern Ireland?

Mr Thompson: I think it depends on what your concept of justice is. If we take Saville as an example, nobody is going to go to jail and I think that we have been on the journey with families and saying to them—and I think this is something that the unionist and loyalist community unfortunately have not been on a journey to yet—that to look for punitive measures, to look for imprisonment, to have that sense of justice it is not deliverable, it is not realistic. We have a sense of responsibility and a duty to say to families, "People will not be going to jail for what happened."

Q200 Reverend Smyth: Can I just stop you there? As I understand it, when people talk about justice in these inquiries they are really looking for the answers rather than getting anybody sent to jail?

Mr Thompson: Absolutely. I would agree with that.

Q201 Reverend Smyth: You went on ahead to send them to jail, though. That is what I wanted to be very clear about. You said that justice meant going to jail. I am saying that when people were looking for these inquiries they were not looking for somebody necessarily to go to jail?

Mr Thompson: No. Absolutely.

Q202 Reverend Smyth: Will the current Inquiry Bill, and you touched on it in a sense, make future inquiries like the Finucane Inquiry more or less effective? I want to get it on the evidence.

Mr Ritchie: We will have to wait and see but I think people in the nationalist-republican community are hugely suspicious that having committed to following Judge Cory's recommendation, when he recommended a public inquiry other ones were okay, but all of a sudden this one could not happen under the prevailing environment. Presumably, Judge Cory was very aware of what was sensitive, intelligence information and what was not and he felt that an inquiry under the present legislation would be the way forward. So there is deep suspicion. It remains to be seen whether we will get an inquiry. In relation to your former question, people in the nationalist community would feel that a large part of the expense of that inquiry and the length it took was because there was an overly combative approach by lawyers and everything was fought, particularly from the Ministry of Defence side, we would have to say. Everything seemed to be fought and every decision by the Judge was taken to higher courts and that is really what extended it. That is why imposing timeframes is a useful thing to do, I would say, and trying to take it out of the sphere of litigation and people's right to silence and all the rest of it, and just saying, "We're going to have a private inquiry," as both Mark and Tom have mentioned in relation to negotiations with the IRA. Finding information—let the government do that as well—but get the families information and let them have closure of some kind, and that takes it away from lawyers and it takes away a lot of this tension.

Q203 Reverend Smyth: Thank you. What is your view of the PSNI's "cold case review"?

Mr Thompson: I am glad you asked that. It is something I wanted to bring up. The serious crime review team—I have two views of this because of my deliberations with people within the unionist and loyalist community. My own view of it is that there are cases that we have written to them on and where they have said they have had a negative response. How they arrived at the decision they have not made clear. They have not produced their criteria. I believe Sam Kincaid is kind of the arbitrator in terms of most of the issues and we are not given any clarity

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about how they reached their decision. They have a preliminary case assessment process which goes to three stages but yet they have not provided criteria of how that works internally. We would go to the old adage that the people responsible for carrying out the killings or being party to the conflict should not be the people who should be looking into it. That is our clear view. There is no negotiation about it in terms of that. The people I have talked to in the unionist community are saying that there is a hierarchy, that it is really dealing with officers who have been killed as a result of the conflict principally and then a secondary issue is that they think they will be discriminated against and they have those concerns. I think it highlights the need for an independent process which culminates or gravitates towards that view, and it is again an issue of trust. We would have no trust in the PSNI to conduct any investigation into the cases that we would be working on, contrary to some of the cases that we are working on currently, which are live and within the courts. The Chief Constable has taken or threatened to take out public interest immunity certificates and he has taken judicial review of the decision of Lord Chief Justice Kerr in relation to one case on which he said there should be disclosure to the family of information pertaining to their son's killing. He is challenging that and he is challenging several inquests as well. So within that context there is obviously suspicion.

Q204 Reverend Smyth: Thank you. Do you believe that an Ombudsman, a review, to put it this way, for victims would be a helpful initiative?

Mr Thompson: I would like to say yes. Unfortunately, no, not at this point in time. It is finding an agreement, I think, and Ken has left the room. Ken was an example in terms whereby victims of state violence received very little mention in his document We Will Remember Them, whilst he had a number of pages and paragraphs reserved for praising people who participated in the conflict. As Mike said earlier, it created a hierarchy of victimhood. I think the subsequent appointment of Adam Ingram as a champion for victims whilst he was the Minister of the Armed Forces was grossly insensitive and sent completely the wrong signal to our community. So I think that we will have difficulty enough trying to find an international panel to deal with this issue. I do not think we will find agreement at this point in time on a victims' commissioner.

Q205 Reverend Smyth: Will the United Nations pay for an independent one, or will you rely on the British Treasury to pay?

Mr Thompson: Well, they are issues of debate, but as far as the debate has happened within the sector it has been that the NIO would appoint someone, but that would be unacceptable.

Reverend Smyth: I asked that specifically because of the comment earlier by Mike when he talked about money from Europe. Most of the money from Europe came back from us!

Chairman: We will not get into that. That is being debated in the Chamber as we speak. I think one has to say that however independent the person was he would have to be appointed by the NIO because they are the government.

Q206 Reverend Smyth: That is the problem then, is it not?

Mr Thompson: Well, you see then the process of selection—transparent—

Q207 Chairman: Well, the actual appointment would have to be because of the staff and clerks and pay and rations, and all that sort of stuff. You accept there is no alternative to that?

Mr Ritchie: If it was an equal appointment by the Irish and British Governments, given the fact that also there needs to be cross-jurisdictional involvement. We discovered in relation to the Dublin bombings inquiry that is being carried out by a sister Committee of yours in the Dáil, they have sought cooperation from the north and it is not being given, so obviously there are going to be fairly complex disclosure issues across two jurisdictions, possibly three jurisdictions. So if the Irish and British Governments did the appointing, that may be a way of ensuring a bit more confidence.

Q208 Chairman: I am sure the British Government would be delighted because they would only have to pay half! It comes down in the end to the Treasury.

Mr Ritchie: In some senses I think we are arguing that, yes, it may be costly but it is a good investment.

Q209 Chairman: I was not calling that into question. I was talking about the mechanics.

Mr Ritchie: No, no. Absolutely.

Q210 Mr Clarke: There has been this recurring theme about macro/micro truth and organisational responsibility against individual responsibility. Are we saying that any process can only be successful if we deal with those things in an order, in as much as first of all there has to be the macro responsibility, the organisations involved in the conflict (including the state) saying, "Yes, we were responsible," before people can deal with individual truths? And are we saying that if there is a process that that would be a good starting point sequentially?

Mr Thompson: I think that we need to put the individual aspect of it completely out of the frame. It is not going to happen. We have got to be realistic. The only way it is going to happen is organisationally.

Q211 Mr Clarke: I am sorry to interrupt, it is just that I am thinking aloud in terms of today's apology, which was another small step in terms of the Guildford Four and the Birmingham Six, but at the moment they come out in little small pockets, do they not? Are we saying that it would be better if there was just one acceptance?

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Mr Ritchie: To slightly contradict Mark, but I do not think he will mind, the individual is important because we say any process has to be victim-centred. So individual victims need to be able to get something from it, but it is not going to be individual witch-hunts—what Mark was saying in terms of a punitive approach.

Q212 Chairman: Let me just press you on it. Get what from it? Not for the person who may have perpetrated the crime against their relative to go to jail. You have said that.

Mr Ritchie: Information about the circumstances.

Mr Thompson: Acknowledgement and recognition. I think from our perspective, working largely with people affected by state violence it is that the British Government has denied culpability and that has been reinforced through the courts. Those people would like the British Government to say, “Yes, it was wrong. The British Army should not have shot your son or daughter. It was wrong. It shouldn’t have happened.” But therein lies the danger, to remain the right side of the framework. If the British Government were to say that, what would be the legal implications of it in the context of issues being sought punitively through the courts and compensation issues. So we need to define a process where families may choose, possibly they engage in a process and forgo any information that comes out of it which could be used in another legal framework if they pursued it further. So there is something for negotiation, to be worked out. They are ideas that we have thought about.

Q213 Chairman: Do you think that if, for example, which I think Mr Holland mentioned might have been said, the 76 year old lady was shot by mistake, that is not going to be enough because I think what you then said is that therefore her descendants ought to be able to sue the Government?

Mr Thompson: No, I am not saying that. No, no. I am saying if the British Government were to say today, “Our forces killed X number of people. At the time we went through the courts and we went through a process of investigation”—what we would say is a perfunctory process of investigation—“and inquest and nobody was held accountable. But yes, it should not have happened and it was wrong, and we are culpable for that death in those circumstances”—

Q214 Chairman: Without naming anyone?

Mr Thompson: —without naming people. I think it is a sense of looking at the case, looking at the incident and examining that incident.

Mr Clarke: It is about talking about the 26 killed by the state in the Ardoyne—

Chairman: It is an interesting concept.

Q215 Mr Clarke: —and saying, “But we cannot go into the detail of each individual case.”

Ms Reilly: Yes. Can I come back on the case that Mark talked about, the case where the 15 year old boy was shot dead by the IRA and the family

approached us. What had actually happened in that family was that the father of 13 was shot dead by the British Army on Internment morning. He was one of a number of people from that area who were killed that morning and that woman was left to raise 13 children on her own. What happened to her son was totally wrong and when the family approached us all they wanted was for the IRA to say, “It shouldn’t have happened,” and Mark did some negotiation and that happened. But the question has to be asked.

Q216 Chairman: Was it accidental? Did they mean to shoot him?

Mr Thompson: No, we are still—

Ms Reilly: The question has to be asked and I asked it at the time. The IRA have admitted killing this boy and saying it should not have happened. Would the British Government have the same generosity of spirit to apologise for the killing of the father? No, they would not, and even today they would not have the same generosity of spirit to apologise for the killing of the father, and there are so many cases like that.

Mr Thompson: I personally think, and many people would share this view, that for issues of propaganda, issues of perception during the conflict, it was easy for the British Government to say, “Our Armed Forces are on the ground keeping the two communities apart and there have been some unfortunate mistakes for which we have accounted.” That would be a gross misconception. It would be completely wrong to continue with that view. But what are the implications if the British Government says, “We were involved in the conflict and our actions helped to fuel and sustain that conflict, whether it was involvement with the loyalist death squads or whether it was through our practices and policy ‘shoot to kill’, and our legislative policies allowed us to go in and do that and the courts cleared for us and provided the impunity essentially for it”? That is the view we have of it. So what are the implications? How do we get a process to involve the British state in terms of addressing its role in the conflict in a way that we are not going to be adversarial about it, that we are trying to find a positive framework and we are trying to find—and I think this is very important for you to consider—we are working with mothers and fathers and siblings of children killed 10, 15, 20, 25, 30 years ago. In their lifetime I would say they are lucky to have a score of years left. Can we resolve it before they go to their graves, because that is what some families are looking for?

Mr Ritchie: There is one other thing I wanted to add. In some senses I understand the kind of constraints that you are working under, but it would presumably be possible for you to suggest a number of principles which, from what you have gathered, you need to inform a process. I think that would be a great help, just to get people thinking about principles and then the actual mechanisms can be worked out at a later date. The other thing I wanted to just say is that experience around the world shows that you are never going to be able to design a

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process that everybody is happy with. You have to factor that in. If just loyalists were not happy that would be bad, but in terms of individuals, there will always be individuals—I think Steve Biko's family in South Africa were completely dissatisfied with the South African model, tried to seek compensation and were turned down in the courts. So you cannot

possibly come up with a process where everybody is happy, but at least if people are involved in the discussion and are part of designing the mechanism then that ensures maximum buy-in.

Chairman: Well, thank you very much. It has been a fascinating session and we are very grateful to you for coming. Now I will let you go in time for your plane. Thank you so much.

Monday 21 February 2005

Members present:

Mr Michael Mates, in the Chair

Mr Roy Beggs
Mr Gregory Campbell
Mr Iain Luke

Mr Stephen Pound
The Reverend Martin Smyth
Mark Tami

Memorandum submitted by Families Achieving Change Together (FACT)

VIEW ON RECONCILIATION IN NORTHERN IRELAND

We are a group in Lisburn called FACT (Families Achieving Change Together) working with victims/survivors of the troubles.

The local paper (*Ulster Star*) had a letter from the Committee over the weekend asking for responses by the 31st but the paper was printed on the same day.

We would like to inform you of our project for a Memorial Garden in Lisburn City. This will be *A Memorial to our Troubled Times* and by naming the garden in this way it will be inclusive to ALL of the people affected by the troubles.

We also have applied and hope to be given a piece of land by Lisburn City Council and would be very pleased to present our plans to the Committee.

Over the last six years we have continued to grow and we are a cross-community group working towards a better future for our children and grandchildren.

6 January 2005

Supplementary memorandum submitted by Families Achieving Change Together (FACT)

My name is Janet Hunter, I am the co-founder and Manager of FACT. FACT was started on October 1998. I was a shop assistant through the height of the Troubles. I was out in many bomb scares and in 1977 caught in fire bombs. My father was a serving member of the armed services so I also lived with the fear of losing him. Then in 1983 I lost my only brother and the youngest sibling by the hands of the IRA.

AIM AND OBJECTIVES

Our aim is to help in the healing process of our members who are victims/survivors of the Troubles of Northern Ireland. FACT aims to encourage our members back into society and empowers and prepares them with new skills for a better future, to enable them to become economically viable in society with their families.

1. Support for families or individuals, who have been affected by the "Troubles" by:
 - (a) Safe environment to meet and chat.
 - (b) Provide for their individual needs including Counselling.
 - (c) To lobby on their behalf.

When a member of a family contact us, we invite them for a quiet chat in private to get to know them and introduce them to the Charity. This can be done in their home if they feel more comfortable. After this initial meeting we offer services in the order below.

HOW WE OFFER SUPPORT

1. When first contact is made we offer counselling on our premises with Nova (Barnardo's) and in some cases home visits (befriending).
2. We then offer Alternative therapies and Day trips along with Tea and a Chat any day at our Drop-in-centre, which facilitates our members with admin and welfare support.
3. Next we offer Training and Education which is any course to support our members in improving their life and job prospects.

Reconciliation is information of self and neighbours. To this end the above support helps individuals and families to understand themselves and in doing this they will understand others. We provide network trips to achieve the breaking down of prejudices, such as going across the Border for the first time. Visit the Boyne Valley to hear the Truth. Visit Stormont Building to show that Government is reachable for the ordinary person. All of this builds confidence.

9 February 2005

Witness: Mrs Janet Hunter, Co-Founder/Manager, Families Achieving Change Together (FACT), examined.

Q217 Chairman: You know why we are here. We are conducting the first part of an inquiry into reconciliation, dealing with the past, and we are looking at victims and all that surrounds them and the groups, which is all we will have time to do if there is to be a general election in May. I hope our successor committee, whoever they are, will take it up when we all come back. Thank you very much for coming. Perhaps you could start by describing the main objectives of FACT and particularly your work with victims.

Mrs Hunter: The main objective of FACT is to help people in Northern Ireland who have been traumatised by the Troubles to move a step further in the healing process.

Chairman: Your work with victims.

Mrs Hunter: I have brought another one of our printouts on how we work with victims and what we do and say to support them. On the back of this document is a three-step approach on how we work with victims. Say a family came along to us. We would take them quietly to a room on their own and sit down and have a chat with them and find out how they became a victim, what has happened to them since, what they hope for in the future, how they feel and what they want from us. In that conversation you usually get a good gist of their needs and what we can do for them. All of them are offered counselling first and foremost. Some take it up, some do not. The next step is to offer them alternative therapies because our format is to try and get them to relax and to build their confidence and trust in us as a team. Once that trust and confidence are built up then they open up more. In the initial conversation you will find that they hide a lot; they will only tell you what they want you to know but, as time moves on, a lot more comes out and a lot more confidence is built up. After they have built up their confidence, got to trust us and be with us, we will give them some training and education if they require it. Quite a lot of our work is on social integration, taking the group to meet other groups, taking the group out for the day, working with individuals, taking them out to do their shopping or if they need to go and see the doctor, so that would be social interaction.

Q218 Chairman: How many are there of you in the team?

Mrs Hunter: Five.

Q219 Chairman: How many victims or families— are they mostly individuals or families?

Mrs Hunter: We would count them as families. We try not to count people as individuals because we like to get the family back together again.

Q220 Chairman: What happens if one person comes?

Mrs Hunter: If one person comes they are a person but they also bear the family name. We have 147 family names at this time but we are upgrading our database so there will be a few more.

Q221 Chairman: So there are about 150 groups?

Mrs Hunter: Yes, 150 families.

Q222 Chairman: Are you still communicating with all of them?

Mrs Hunter: Yes, we are. What we did a few months back with families who came to us initially and we have helped them and they have moved on was to divide them off from families we are working with now. If I counted the families we have put into our dead zone then I would say about 250 families. I tend to try and move families on rather than hold on to them, rather than say, "We are the biggest group in Northern Ireland because we have got so many members". I tend to gear everybody to doing what we can for the family and allow them to move away. If later on they require us again they know they have an open door to come back to.

Q223 Chairman: Could you tell us a little bit about your memorial garden project?

Mrs Hunter: I felt that in Lisburn there was nowhere for families to come together, or even to come quietly and sit and remember the person who had died or the time that they were hurt, so I got together with Mr Jeffrey Donaldson MP and Mr Ernest Knox Architect. Ernest very kindly drew up the plans for the memorial garden. If I had known I could have brought the drawings with me. In it I asked that there be no emblems, no names, that it would just be a memorial garden to our troubled times. That would mean that anybody in Northern Ireland or in the Province would be able to walk into the garden and be able to feel completely at ease because there would be nothing there except perhaps a piece of scripture, because nobody minds scripture. That would be the only thing and everybody could go in and sit in their own time and space. There is a light in the middle of the water. There is a ring of water and in it a pond and a light comes out of the pond and it shines up and that is shining a light to the future. It is trying to draw people into a healthier feeling about themselves and about their community.

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Q224 Chairman: At what stage is that project?

Mrs Hunter: Lisburn Borough Council have dug their heels in and they are saying they are not sure whether they own the land or not that we require to put the garden onto.

Q225 Chairman: They are not sure whether they own it?

Mrs Hunter: They are not sure whether they own it, but I laugh at that because every council knows every inch of land that they own so with the help of Jeffrey we are going to keep pushing at them until we get it, although it is still at the drawing board stage. The plans are there and the costs we will put together once we get the go-ahead from the council.

Q226 Reverend Smyth: Were you satisfied with the services that you received after the events which directly affected you?

Mrs Hunter: No. That is one of the reasons why we started the group. I was in quite a few bomb scares in Lisburn because I was a shop assistant and then I was in an actual incident. The place was burnt to the ground where we were working, and we were never as shop assistants or shop owners ever given any counselling, help, support or advice on anything whatsoever. When my brother was killed mummy and daddy would have got some support from the UDR Benevolent Fund but as siblings, no, we never got a thing. We never even got a "Hello, how are you?".

Q227 Chairman: He was in the UDR?

Mrs Hunter: The Ulster Defence Regiment, yes.

Q228 Reverend Smyth: What types of support services are most important, do you think, to victims and who should provide them?

Mrs Hunter: Obviously, I am a bit biased because I think the groups should provide them and it should be on the befriending end. That is getting close to people. When people feel they are needed, that they have a worth, then they can move on. I really feel that in our group we like to go out and befriend people and we like to go into their homes and sit and have a cup of tea with them. To stay open as a group we had to go down the road of EU PEACE 2 training and education and it really did not please us at all—that was just to keep our doors open—because we felt that the government should have given us enough to be able to help people as individuals and families. One of the things we try to do is keep the family together so that if the men are going out for a fishing trip, or just a trip for ten-pin bowling, we try to get the teenage boys to go with them and in that way it means that the boys are learning from the fathers and grandfathers of different families so that in that way they are getting a lot of values and are being allowed to grow into men rather than keeping them separate all the time. For my own family, no, we did not get very much support. Befriending,

keeping families together, keeping them nurtured, keeping them moving forward, is the most important thing to me.

Q229 Reverend Smyth: You do not think the girls could have gone out with the fathers?

Mrs Hunter: There is no excuse for girls not to go out. Us girls, we know what we do! We keep going out.

Q230 Reverend Smyth: Do you think that funding for victims is fairly distributed?

Mrs Hunter: No.

Q231 Reverend Smyth: Would you like to expand on that?

Mrs Hunter: There were about seven or eight groups when we first came out, at the time when the prisoners were let out of prison. That was the start of the victim sector. Although WAVE was also going at that time, we never knew anything about them; we never knew that they existed. We started off and there were seven or eight groups and we lobbied government for victims money and at that time they came out and said they were going to give us three million. That was only between seven and 10 groups we thought at most. Then, when the money hit the ground, there were something like 67 victims groups. A good lot of those groups are prisoner groups reconstituted and I do not think it is right that the prisoners' groups who are reconstituted get the victims' money simply because as prisoners they got training when they were in prison, a grant when they came out of prison and funding whilst they were prisoners in prisoners groups. If you look down at any grants on the internet you will find that there are church organisations, Trusts and community groups who give grants/funding only to prisoners' groups. I do not think it is evenly distributed or rightly distributed. There should be more going into the background of where the victims groups come from.

Q232 Reverend Smyth: Am I right in saying that your group is primarily around the greater Lisburn area?

Mrs Hunter: Lisburn and Banbridge but we do not turn anybody away whatsoever from any part. There have even been ex-paramilitaries who have come to us and, whilst they cannot join the group, we give them help and advice and give them the direction where to go to.

Q233 Reverend Smyth: Do you think that the creation of a victims ombudsman would help to make sure that any help was evenly distributed?

Mrs Hunter: Yes, as long as the rules are set for the ombudsman to follow, that they do look into the background of the groups or where the groups come from.

Q234 Reverend Smyth: Do you think their voice would be better heard in government than in the work that you are doing yourselves?

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Mrs Hunter: I think that if all the groups aimed for the ombudsman and that person then liaised with government it would save an awful lot of money and that money could then be used for groups. It would mean that there would be an umbrella organisation that would come out of it and the ombudsman then would go directly to the government and speak for us. I do feel that the ombudsperson should come from the ground of the victims sector.

Q235 Mr Luke: How does the availability of appropriate support services or the lack of them in your view affect the ability of victims to deal with the past?

Mrs Hunter: Do you mean social services support?

Q236 Mr Luke: A variety of support services. We have heard about the council being involved and the Northern Ireland Office, things like that.

Mrs Hunter: To me quite a lot of it seems to be repetition. There was a victims unit, then there was a liaison unit and they both seemed to be doing the same job with the same people and I just felt that that should have been tidied up. In the social services part of it, they were going to see your doctor and your health visitor and so on. A lot of people do not trust telling the social services and the doctor what their background is, so there is a gap there. There is the Trauma Advisory Panel and I always felt that the Trauma Advisory Panel would have been like a liaison unit between social services and the groups so that we could build up trust with the Trauma Advisory Panel and be able to say, "We have people who are in need of help". We would like to shortcut them into the DSSS, say, if somebody needs a limb or counselling, rather than have them wait on the big long list of the DSSS. That has not materialised and I am a bit surprised at that. The Trauma Advisory Panel seem more to be trying to do the work of the groups, whereas I thought that the Trauma Advisory Panel was simply to support the workers of the groups as well as helping us to get to know social services and what benefits are out there for us to be able to support our people. There is still a bit of a haze on who there is to support what. There is a lot of doubling up on a lot of things. Why recreate the wheel when there is already a wheel?

Q237 Mr Luke: Have you got an example to show us the equivalent of what in the UK is victim support, the voluntary agency supported by social services, and when you are traumatised due to a break-in or attacked these are the people you would go to who would give you medical advice and so on?

Mrs Hunter: Victim support is where most go along after an incident and get the advice and then you go to the person or place, you have been advised to go to, whereas the victims groups are all-inclusive. Once the person comes to us we take care of them, we work with them and we find that we fill their needs. I feel that that is where the victims groups should be working. It is working with individuals and the families, saying, "What is your

need and how can I fulfil that for you?" rather than people like victim support who we have been to many times and said, "Anybody that comes to you that is a victim of the Troubles, please make sure that they know about us". When you go along to them, and a couple of families did who we have helped, there is a list that they hand you. The list of every organisation that can help any situation and they say to you, "If you need help this is the list. Choose", so it is quite bewildering for people.

Q238 Mr Luke: Moving on to dealing with the past, how important do you think it is for victims and victims groups to be involved in discussions with other groups about the ways of dealing with Northern Ireland's past and moving on?

Mrs Hunter: It is important that all the groups come to some sort of consensus as to how we should deal with the past. When we first started everybody wanted to tell their story and we got a few of them written down and documented, but those same people, once they have told their story, do not want to go through it again. They do not want to go down that road. They have been to counselling and told their story and they really do not want that to happen again. They just want to move on from there. It is a hard thing to come to terms with: do we as a group say, "This is how we are going to deal with the past", or do we take them as individuals and help them to deal with the past themselves? Personally, I feel that we have to deal with individuals but as groups we have to be able to support each other. There might be, say, one group that is very good at counselling for example we would use Nova (Dr Barnardo's), because we would not have the time to work with counselling, so in that way we are using another body to work with victims and we are not doubling up. It is finding where that help is for individuals, to be able to move them on. I think it would be a good idea to get all the groups to do something together to help move people on but I do not believe in the South African style of truth and reconciliation. I do not think that would work well.

Q239 Mr Beggs: We are aware that you yourself have suffered as a result of terrorist activity. Do you feel that your own suffering has been officially recognised?

Mrs Hunter: Gosh! I have never really thought about it, to be honest with you. At the beginning, when I first started the group, I would say no, we were just cast aside; we were not really recognised, but from running the group the recognition has been there because people would ask me for my opinion and the Committee is asking me for my opinion, so I would say yes, that would be recognised now. At the beginning, no. I think that is part of the healing process. I know it has helped me by starting the group and being able to work with individuals and families. It has really given me something else to look at and get to know rather than my pain. I have been able to turn round and say, "Okay, my pain is just as bad, but there are lots of people like me and we can do this together.

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We can work together and do really well". I would say that I have recognised my pain but I have worked through that and I do think there is recognition now.

Mr Beggs: Is there anything more that could be done officially to acknowledge the suffering of victims?

Mrs Hunter: I would like our memorial garden to go ahead. I think that would help our area. I do think that the RUC was helped by being given the George Cross. I think that sort of recognition would help, but what do you give the civilian population? What do you do for them? That would be the hard part. The services men and women you can give medals to. The civilian part is the harder part. There is a thing going on at the minute by Deloitte for the National Memorial Committee, all about memorials and memories. I said to him that I thought that maybe one day a year, you know, like the 11 November for the World Wars, could be set aside for all the people of Northern Ireland to come together at church and chapel services to grieve, and maybe it would be the best recognition for the whole problem, that everybody could go to their own church and their own chapel and their own synagogue to be able to say, "Okay; this is our day".

Chairman: That is an interesting thought.

Q240 Mr Beggs: Who should be responsible for acknowledging the suffering of victims? The perpetrators or government?

Mrs Hunter: I would say the perpetrators at my end of things, and the perpetrators will say government and their end of things. Down the middle? It would be up to the individual as to who they see as responsible. To me I would say the IRA would be responsible for my family's grief and the grief of quite a few families within the organisation. Paramilitaries I would say are the ones that should be held responsible, far more than government.

Q241 Mr Beggs: Would an apology from the perpetrators help you to deal with closure of the past?

Mrs Hunter: The best apology they could give me is never again to pick up a gun, bullet or harm another human being in this Province.

Q242 Mr Campbell: You have been very candid in your answers. Setting aside the issue of money, do you think it would be a productive move if the government were to open up a series of inquiries or a super inquiry into all the deaths, including the one which affected you?

Mrs Hunter: Joseph has just been investigated and I thought very hard for a lot of years and it was satisfactory that his case was re-looked at and it did really help the family. It did not give us the conclusion that we thought it might come to but it still gave us the feeling that the police and the government cared enough to investigate it, so I do feel that each investigation should be re-looked at. In our situation there was a lot of forensics that were found but the investigation team had to go to a lot of different police

stations all over Northern Ireland to get all the evidence in Joseph's case, and that is only one case, so if all the forensics and evidence are all over different police stations across the Province that needs to be brought together. Everybody's individual case needs to be looked at and all of the evidence for each case needs to be brought into one place so that it can be looked at. One of the guns that killed Joseph was destroyed shortly afterwards by mistake because it was involved in another murder. The person went to prison for that murder and the gun was no longer needed so it was destroyed. It was part of the evidence that was needed for Joseph's case. I do feel that if anything comes out of the investigations it should be that all of the materials that are going to be needed should be brought together, because these cases are not going to be closed overnight. Joseph's case is still open even though it has been re-investigated. That investigation gave us that enlightenment and the satisfaction that it was worked through to the very end. If that happened for every family it would give some sort of closure or the hope that some day the political powers would allow arrests in these cases. We know now that Joseph's case is sitting waiting and it will only take a small amount of evidence and the people will be caught, but even if that never happens we have still got that satisfaction to know that all of Joseph's belongings, all of his evidence, are in one place now and we know that it is safer and if anything happens the case will be closed at some point.

Q243 Mr Campbell: On the issue of individuals and how they would feel about investigations like the Serious Crime Review Team looking into cold case reviews, how do you feel about that? Do you feel the same way as you have just explained?

Mrs Hunter: Yes. Joseph's was a cold case review. I do think in all honesty there should be an investigation into these cases. Okay, it is going to cost money but it is satisfaction for the families. One way round it would be to ask the families involved, "Has everything been done for you and do you want a cold case review?". Some of them, whose relatives were killed in the 1970s, might turn round and say, "No, look: I want to let sleeping dogs lie", and some of our families already say it. Others may turn round and say, "Yes, we do, because it is the only way we will get answers". It is really up to whoever is going to do the cold case reviews to go along to the families. Do not wait for the families to come to you. Go to the families and say, "We are about to open your investigation. We want to do a cold case review on it. How do you feel about that?", because it does need the families' input. You have to ask the families questions and they may not want that. My parents, my sisters and I all had to sit down and talk to the police and tell them what we could remember. Some families may not want that. They may not be up to it mentally or physically, so you really should ask the families what they want.

Q244 Mr Campbell: In your experience with your group would individuals fall into those two categories, some who do and some who do not?

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Mrs Hunter: Yes, but it is individual; it is what they want.

Q245 Mark Tami: Would you support a truth commission for Northern Ireland?

Mrs Hunter: I could say immediately no, but if I saw the evidence and I saw how the outcome for victims was going to be, I might change my mind, if I saw that the victims were going to be taken care of, counselled, supported. I remember, right at the very beginning when we first started the group we actually talked to a couple of South African gentlemen who were involved in the South African truth and reconciliations. The first question I asked them was, "I have sat and listened to everything you had to say but how did you support the victims prior to the investigation, during the investigation and afterwards?", and he said, "We did not. We just sat them down, asked them questions and sent them home". That cannot happen to the victims of the troubles. If this is what government wants, and it will go ahead I suppose. It has to be with the forethought of the care of a human being.

Q246 Mark Tami: We tend to look at this very much in terms of amnesties but if it was also from a position that it was part of the criminal justice system, that you could go to a prosecution from it, would that change your view?

Mrs Hunter: I would say a lot of people who have been hurt by criminals would want prosecutions. I know if I had the chance I would. I have no feelings whatsoever for the people who killed Joseph, good, bad, ugly or indifferent, but I would want them to do time because that is a just and right thing to happen. As for truth and reconciliation, lot of things in Northern Ireland start off with the victim but it always ends up for the good of the perpetrator because it is easier and cheaper to change the perpetrator than it is to support the victim.

Q247 Mark Tami: Who would you feel would have the most to gain out of a truth commission?

Mrs Hunter: It should be the victim but it probably would end up being the perpetrator.

Q248 Mr Pound: We are very grateful for the way you are taking all these questions from us. In the present political climate do you think that discussions on truth and reconciliation could be divisive?

Mrs Hunter: Yes. I think it would do a lot of harm at this minute in time. The victim sector has only really been up and going for six years and I think it is still very vulnerable.

Q249 Mr Pound: Do you think that perhaps the story-telling could open old wounds? I was very intrigued by what you said earlier on about people wanting to make a statement but just the once.

Mrs Hunter: Yes. My father I looked on, as I am sure all your daughters do, as a very strong man. He is on the pencil of your life. I remember the very first time

the RTE were interviewing my daddy about Joseph's death. Up until this point my mother always would have talked about my brother but my father never did, and I said to him, "Daddy, do you want to give this interview? They are particularly asking for you", and daddy said, "Yes". It is very hurtful for a daughter to sit and watch tears run down her father's face; it really is hard. He did it once. He did it a second time and that was not so bad, but when it came to the third time he was asked to be interviewed he just said no. It was causing him too much trauma and we had to help him. It is really individual again. The victim sector you could lump together and say, "These are victims and this is how a victim reacts", but they react at different times. It is like a death. Even when you have been blown up, you have been hurt or injured, that is death to the normal life that you have led. Everything has to be in the person's time, their way of going and when they need it. Sometimes as the workers we have to look at a person and say, "It is time this person got a bit of help" even though they do not know it. It is the way we approach them and we say, "Come over here and have a cup of tea and a wee chat". Through that they may open up and say, "I do not feel so good today because of such-and-such". It really is one-to-one work. I know there are only five of us and there are 147 or 150 families in our group, and we do not get round them all, so Nova help us a lot. If we had the time, the money and the staff I would make sure we got round every family.

Q250 Mr Pound: I do not want to press you too much at this point, because it is very important what you are saying, but would you agree that a victim-centred approach to reconciliation can sometimes put an unbearable pressure on the individual?

Mrs Hunter: Yes.

Q251 Mr Pound: And do you think that applies in the case of individuals or do you think that there is a generality there? Do you think it might put pressure on anybody in that situation?

Mrs Hunter: If we want Northern Ireland healed we have to heal the victims; we have to really get them back on their feet to be able to walk on so, even though it would put pressure on us, and I know what that pressure feels like, in a lot of cases it is worth it. It is finding out which of the victims will crumble under that pressure and which of the victims will thrive. The stronger can carry the load and in that way we can move forward and bring the weaker ones with us.

Q252 Mr Pound: So, reverting to your South African example, do you feel that even when a victim is under pressure the sort of support that you can provide will enable that process to take place?

Mrs Hunter: Yes, because we can carry them. We can hold their hand and work with them through it.

Chairman: Thank you very much indeed, Mrs Hunter, for coming and answering our questions so clearly and frankly. It has been a great help to us.

Memorandum submitted by WAVE Trauma Centre and Families of the Disappeared

WAVE appreciates the invitation to respond to the Northern Ireland Affairs Committee, request for evidence into Reconciliation: Ways of Dealing with Northern Ireland's Past. For the Committee's background WAVE is a regional non-governmental organisation which was established in 1991 to provide a range of support services to individuals and families, bereaved, injured or traumatised as a result of the Troubles. The organisation's ethos is one of inclusiveness, working with anyone directly affected regardless of their religious, political or cultural beliefs or the circumstances, which led to their loss. The organisation offers a continuum of support initiatives and has assisted over 3,650 individuals since establishment, receiving on average 600 new referrals per year.

Throughout the troubles the lack of support services for individuals and families directly affected, resulted in them being left to work through their loss and to deal with the ramifications which were often immense. The ceasefires in 1994, represented for many an opening and a sense of permission to start to address what had happened to them and how it had impacted on their lives. The result of this was a rapid increase in referrals to WAVE which continue unabated—this year over 620 new referrals have been received. As a result of this, individual's needs are complex and are and should be at the heart of how we as a community address Northern Ireland's past.

For the purposes of this submission, WAVE proposes a number of areas, which are key to any consideration into how we deal with the past. In July 2004 the organisation sent out a questionnaire to all those who had accessed services from WAVE. The purpose of the questionnaire was to identify areas of need and to inform WAVE's lobbying strategy. Just over 400 replies were received and the themes are relevant to the Inquiry. Such was the level and depth of information given that responses are still being analysed and this will form the basis of a Report which can be forwarded to the Affairs Committee at a later date.

SUPPORT PROVISION

As highlighted above, the lack of support provision both by statutory agencies and within the voluntary and community sectors, led to individual's and families being left to work through deeply traumatic issues on their own. While there are many attempts at present to redress service imbalance within statutory agencies for example within Health Trusts, fear and suspicion of these agencies result in voluntary organisations being more readily utilised. In addition the sheer "acute" workload from ordinary every day life mean, that all too often Health providers refer individuals on to organisation's such as WAVE for assistance. The need therefore for tailored support services is key in assisting individuals to work through and move beyond their loss. In essence it is required if any attempt is made to address issues such as truth, justice, commemoration, remembrance etc. At present, issues which impact upon sound professional and ethically driven service provision across the Board is: short term funding, of one or two years thereby preventing the retention of good practitioners; a small pot of resources given the vast area and needs of individuals; and, "political skewing of the resources available" which is not based on the efficacy of the support services provided by individual organisations but rather on a need by policy makers within Government to ensure there is religious balance in funding allocations.

In order to address the legacy of the past, support service provision is vital and adequate resources need to be allocated on a minimum of a five year basis to facilitate continuity. A longer term strategy needs to be adopted by both the British and Irish Governments to ensure that those who have been most directly affected by the conflict receive the level of services they require. The ramifications for paying lip service at this time is the: further perpetuation of trauma to the second and third generations (this is already evident in referrals); a further deterioration in health and well-being of those affected; a further perpetuating of negative and at time destructive coping strategies; and, a resulting impact on the overall benefit and uptake of any truth, recovery or acknowledgement process. Underlining any strategy to address the past must be the allocation of adequate resources to support individuals to work through and move beyond their trauma/loss.

ACKNOWLEDGEMENT AND RECOGNITION

As a community there is a struggle as to how individual's loss should be acknowledged. For many individuals how they have been treated at the time of the incident: whether it be through the process, outcome and overall lack of information or contact about the police investigation, through the compensation process and outcome, through the lack of services available has compounded feelings of isolation. Also the particular difficulties associated with some cases being more high profile, this continues to be in part perpetuated by the selection of cases for scrutiny by Judge Corey, the case taken by the Omagh families and the Bloody Sunday Inquiry. By focusing on these cases to the exclusion of others, has lead some families to refer to a two tiered system and questions over the worth of their loved one.

One issue, which has affected families across the board, has been compensation. This continues to be a major issue and is reflected in the majority of responses to our questionnaire. Sir Kenneth Bloomfield in a review of the Compensation—Fitness for Purpose Scheme recommended to Government that cases should be relooked at particularly cases in the 70s and early 80s. The Government did not follow through on his recommendation. For many how we deal with the past, are tied with the issues of reparation, further

consideration needs to be given to this issue. Addressing the need for support through NGOs or statutory providers is not a replacement for addressing individual's needs. Often the two are "played off" which is unfair, both complement each other.

Other countries have retrospectively addressed the needs of individuals tortured or severely traumatised. An example this week has been the Chilean Government who has announced that they are to award compensation to those who have been tortured. A similar process in Northern Ireland would be welcomed as a form of reparation.

One way in which the Government could foster a sense of reparation is the direction of money recouped by the Criminal Assets Recovery Bureau to be added into a resource for the Victim's sector. Victim's work in New York is funded through the utilisation of such resources. Given how much of the Criminal Assets Recovery Team's time has focused on paramilitary linked criminal activity, this could be a symbolic gesture and start of a reparation process.

TRUTH

When asked about the concepts of "forgiveness" and "hatred" a young person at WAVE replied:

Who should I hate or who should I forgive, no one was ever caught for my daddy's murder.

If, as some would argue, forgiveness is viewed as an essential prerequisite in the process of reconciliation then the notions of truth and justice become an important feature of that process. "No one was ever caught for my daddy's murder", implies, first of all, that the truth about who carried out the murder is absent and also that there is no justice, as "no one was ever caught". The lack of process in this regard, even if we were to leave aside the debate about forgiveness and reconciliation, can become a barrier for some, preventing them from moving on with their lives and compounding feelings of anger and resentment.

This viewpoint was reiterated by several of the respondents to the WAVE questionnaire, for example two women who both lost a son in separate atrocities write:

Justice before mercy seems right to me . . . taking the life of my son is too serious to be overlooked . . . it is a disgrace.

No one was ever charged for my son's murder, the police say the investigation is ongoing . . . it's all crap and lies. May the Lord serve justice on them all—evil people.

Both these women want to know what happened to their sons but more than that they want justice. Both express dissatisfaction in the justice system, suggesting they have been, "overlooked" or fed a pack of "lies". To move on whilst these matters remain outstanding or unresolved is a step too far, yet to date this has been a step they have been expected to take.

To face the future without first of all dealing with the past may be to ask for trouble—Alex Boraine, 1999, (Deputy Chair of the South African Truth and Reconciliation Commission), suggests:

We can put the past behind us and engage in collective amnesia, but we should remember victims do not forget.

In South Africa, (arguably the best known truth recovery process) this was not an option, neither was it an option in places such as Argentina, Chile, Guatemala, Nigeria and Sierra Leone etc. In fact, over 25 countries around the world that have experienced conflict have engaged in some type of mechanism aimed at establishing the truth about what happened and in some cases dealing with issues of justice. Whilst there is an undeniable link between these processes, it is also important to consider the merits of both separately.

TRUTH RECOVERY IN NORTHERN IRELAND

No doubt the aforementioned experiences have something to teach us and should be considered if contemplating a similar process for Northern Ireland. That being said, however, it must also be acknowledged that whatever process is designed must be tailored to the specific circumstances of the Northern Irish conflict. Writing in the *WAVE Newsletter*, November 2004, the Rev Dr David Clements outlines some points to consider.

1. For some there is clearly a need for some kind of truth recovery process. The reasons for this need are not necessarily clear or simple. For some it is about the hope of finding personal peace and healing. If answers are given to certain questions about the reason for the death of a loved one and the circumstances surrounding the event, then peace might come. It is impossible to predict if in an individual case the truth will help or not. In some cases the truth when it was discovered caused greater hurt than before (at least for a time). Also, there are some who definitely do not want to know any more than they do at the moment. It is their right to let the sleeping dog lie. It may be inconvenient always to be stepping over it—but if awoken it may have a vicious bite.

2. For some others, knowing the truth is about justice and blame. For some this seems to be mostly personal, for others it seems to be also political. The campaign for truth and justice is in a way the continuation of the war.

3. There is no agreement on what a truth recovery process should look like. Indeed, there is not agreement on whether we should have one or not. Some time ago Paul Murphy said he was going to consult widely on the issue of some kind of truth process. To date he has not sought any input from WAVE. It is imperative that any truth process has the widest possible support from the victims who have suffered the most.

4. There is considerable unease with the thought of a series of public or other judicial inquiries that may cost vast amounts of money, take a very long time and in the end produce an outcome that fully satisfies none of the parties concerned.

5. It seems clear that from the general societal perspective there does need to be some way of dealing with the hurts of the past. To ignore what has happened, not to talk about it, in the hope that time itself will mysteriously make things better is almost certainly naive and wrong.

6. There must be a relationship between the healing process and the success of any political process. The two need not be closely linked together but progress in one area will surely help the other.

Much more could be added to this debate, however it is clear that consensus on the way forward will be difficult to find, nevertheless it is not an alternative to do nothing—the one issue that unites victims across communities is a fear that they will be forgotten about, this one thought was a common thread in the 400 plus responses WAVE received to the questionnaire. Therefore the question of how to deal with the past is a struggle that must not be given up.

THE QUESTION OF JUSTICE

Similar to the notion of truth, the question of justice in relation to past events has also proved a difficult and thorny issue. So much so, various bodies when discussing the future of Northern Ireland with regard to victims of the “Troubles” have frequently sidestepped it. For example, the Northern Ireland Human Rights Commission, in the Draft Bill of Rights, makes the distinction between, “victims of the past conflict” and “victims of future crime”. It argues, victims of the past conflict should be given the:

highest level of social and civil care and, where appropriate, acknowledgement of, and redress for, their and their family’s loss.

In respect of the future, they state:

the objective should be to set new standards for the rights of victims in the investigation and prosecution of criminal offences and other forms of abusive conduct.

No doubt this is driven by sheer pragmatism, the cost of properly investigating past crimes making it unthinkable, but surely a Bill of Rights is about establishing what ought to be regarded as a right in society and not merely reduced to what is practical. What redress is there for the two women quoted earlier, who are far from satisfied with the investigations into their loved ones murder.

A number of other points need to be taken on board when thinking about justice:

1. Justice means different things to different people—for some it is very much about “making someone pay”—retributive justice—seeing the culprit spending time behind bars. This works in many instances and provides some comfort to know that the person who committed the crime has been caught. However, it also has its drawbacks—retributive justice has no obligation to take into account the victims views—the culprit also does not have to take responsibility for what they have done. In many cases, weak sentences handed out for serious crime have had an adverse affect on the victim.

2. Some would argue for some type of restorative system—where the victim and perpetrator are brought faced to face—the perpetrator taking responsibility for their actions and the victim able to ask questions about why etc—there is some evidence of this working at community level where the crime in question is “anti social behaviour”. However, its adaptation to deal with serious crime, particularly the sort of crime that was committed during the “Troubles” is questionable—more research is needed before this becomes an alternative. It is also important that some mechanism is established through which any information can be validated. The example of the release of a list of the Disappeared by the IRA in April 1999, giving reasons why these men and women were taken was strongly discounted by the families concerned. If this was an example at truth and acknowledgement it caused more pain and distress for the families concerned as they felt that the reasons given were inaccurate and were an attempt by the organisation concerned to hide the true horror and circumstances leading to the disappearances and subsequent murder of their relatives.

3. Even if an example of restorative justice with regard to serious crime working in other contexts can be found, how would you change the hearts and minds of those that are used to the retributive kind. Some argue this worked in South Africa, but in that society you had the notion of Ubuntu (what dehumanises you dehumanises me), therefore, for some, looking for a settlement that emphasised the restoration of the relationship between offender and victim was key—no such understanding exists in Northern Irish society.

4. Many of the murders committed during the “Troubles” remain unsolved—many victims are unhappy with the way in which the investigation has gone—some believe their cases are not being investigated due to political expediency. In many cases they are denied access to their files—all of this feeds into feelings of being forgotten about—what process can be put in place that sends out a message that this is not the case. The Police Ombudsman’s Office has undertaken some good work with families as they attempt to uncover information. Further utilisation of this unit through adequate resourcing would be advantageous.

5. What makes a case worthy of investigation and others not? The Corey Report by putting forward six cases to be looked at could be interpreted as a hierarchy of crimes committed. The Serious Crime Review Team within PSNI is reviewing approximately 40 cases. Does a person have to have died in a high profile incident or have the backing of a community or political organisation before their case is looked at? What about the individual who was shot in an isolated incident—is that family not also entitled to an investigation? There are many such people that attend WAVE, the discrepancies in the way these matters are treated leave many feeling isolated and further creates a feeling of a hierarchy, often fed by political parties.

It can be seen that none of these issues will be settled in the short term, This does not mean, however, that an exploration of justice and what it means should not form part of the agenda for dealing with the past.

MEMORIALS AND COMMEMORATION

Another contentious issue when dealing with the past concerns the act of remembrance. Historically the way in which some events and atrocities have been commemorated have actually served to prolong the conflict. For example, images on gable walls sending out the message, not so much that we should never forget the dead and injured but that we should actively remember who was responsible. One only has to drive around the streets of Belfast to see examples of this, but the events that are remembered only relate to attacks on their community, never the other way round.

Just how does one remember a loved one who has been murdered? How do communities remember? How does society remember? Of course families and friends will always remember, they may have a grave to go to, photographs to look at, little mementos that they have kept—its amazing how much comfort can be given from these types of things. But what about wider society? Is there a process whereby the dead and injured can be respected and at the same time allowing for some sort of societal healing. The following are some thoughts on this issue.

1. Some work on commemorative projects has already been undertaken by various victims organisations—examples of this are, Every Picture Tells A Story (youth story telling project about loved ones who have died), Stain Glass Window (story telling project) both available from the WAVE Trauma Centre. Also Relatives for Justice, commemorative quilt and countless others. Whilst this has been good for those involved, the stories need to be shared, first of all amongst victims but also with wider society.

2. There are lots of good examples of commemorative projects in other societies, for example The Holocaust Memorial Museum in Washington DC. The interesting thing about this project is that you only get to see the memorial once you have taken the history tour and have some understanding of what the Memorial relates to. This may not be so easy in Northern Ireland where every aspect of our history is contested—not so easy but not impossible with a little imagination.

3. Some have suggested a permanent memorial with names of all those that have died on it—bit like the Vietnam Wall Memorial. Whilst I can understand people wanting their loved ones names on something like this, it also presents some problems as some might be opposed to having their names placed along side other names that they might believe should not be there. This point was brought home by one of the respondents to the WAVE Questionnaire, “I feel there should be a memorial for all the victims of the ‘Troubles’ but not terrorists who refer to themselves as victims”. This poses the question: Are the families of those killed in this way to be “guilty by association for ever”? A monument that features names by side by side would be intolerable for some, given their ongoing hurt and sense of unresolved grief. It is worth noting that monuments such as the Vietnam Wall were undertaken some 15 years after the war ended and erected not in the country where the war happened and did not include all fatalities—ie the Vietnamese.

4. The Bloomfield Report recommended a memorial garden, where the centrepiece could be a maze—the imagery of this is quite apt as it could serve as reminder of the maze that the peace process often became. Trees could be planted in memory of those that died, one tree for each death—people could come for a walk, to play or just to sit and reflect—the same problem could arise in relation to in whose memory as was presented in the previous idea.

Some of these initiatives can be built upon—the question to ask is, what will most effectively contribute to healing the wounds of the past? It is likely that it will involve more than one type of process.

CONCLUSION

The legacy of the conflict is most acute for those that were personally affected in whatever way. Whilst the last few years have seen many developments in relation to having their needs addressed, there remains much that needs to be done.

This consultation by the Northern Ireland Affairs Committee is to be welcomed, there is a danger, however, that people are being overwhelmed by the amount of consultations that have taken place since the signing of the Good Friday Agreement. Some of those have sought to raise expectations, for example the Bloomfield Report, only for those hopes to be dashed when recommendations made fail to materialise. Those directly affected by the “Troubles” want to see action, they want their concerns taken seriously—a general apprehension widely felt is the fear of abandonment—that society will not have the appetite to effectively deal with the past. Putting in place processes and mechanisms that address the legacy of the

“Troubles”, as it affects individuals, groups and communities will enable many to move on. However, this needs to be accompanied by a political process that is seen to be working. The inability to restore the Assembly remains a matter of concern—in this context it is difficult to see how progress can be made on some of the larger issues of acknowledgement, truth and justice. Nevertheless, it is not an option to sit back and do nothing. The history of politics in Northern Ireland is one of stop and start, whilst progress may be difficult, all that can be done should be done to bring some sense of redress to those that have lost so much.

December 2004

Witnesses: Ms Sandra Peake, Executive Director, Witness A, Youth Worker, Witness B, Witness C, Witness D, Witness E, Witness F and Witness G, WAVE Trauma Centre, examined.

Q253 Chairman: Thank you very much for coming, all of you. As you know, we are at the first stage of looking into reconciliation, dealing with the past. We have started by talking to people who have been associated with victims, which is probably all we will get done of what is a very major look at all the options before a general election, if one is going to happen. I very much hope that our successor committee, whoever they may be, will take up the cudgels after the election is over. Very generally, perhaps, Sandra, would you tell us what the main objectives of WAVE are?

Ms Peake: It is an organisation to provide support services to people who are bereaved, traumatised or injured as a result of the Troubles.

Q254 Chairman: Anyone?

Ms Peake: Yes. It was set up in 1991 and at that stage the original constitution stated that WAVE was only open to innocent victims of sectarian murder. In 1993 a woman came with three children and they were grieving for the loss of the father. The organisation looked at whether or not they could provide services to that woman and her children. She was unaware that her husband had been in a paramilitary organisation. Because of that the ethos of the organisation was changed to include anyone regardless of their circumstances.

Q255 Chairman: As far as the relatives of the disappeared are concerned, how do those families work together and how has WAVE facilitated that work?

Witness B: Can I introduce myself? My name is * * * *, the uncle of * * * * who disappeared in 2003. If you like, I am the latest member of this group. There are obviously families who have had relatives who have disappeared for a longer period of time than us. Can I just put on public record a couple of things? First of all I would like to express my thanks and deepest appreciation to WAVE who have facilitated myself and indeed other families in this situation in going to a variety of meetings in order to organise, if you like, the way forward for the group which centres around certain things. It centres first of all around the issue of the disappeared being raised as often as possible; it centres around a strategy for moving forward in relation to trying to find and recover the bodies of the loved ones and it also centres around some practical help in relation to recognition of the fact in our case that * * * * has been murdered and there are very practical issues in terms of death certificates which we cannot have access to for seven years in order to initiate insurance

policies, to ensure that mortgages are paid and to facilitate some financial help for the family. WAVE has been very important for us both as a group and certainly for my family in terms of helping us to deal very practically with the trauma we have faced since May 2003.

Q256 Chairman: That was when your nephew disappeared?

Witness B: My nephew was * * * *. He was murdered by the Provisional IRA in May 2003.

Q257 Chairman: Do you know that he was murdered?

Witness B: I am convinced that he was murdered. The Chief Constable, Hugh Orde, indicated as a result of a very extensive PSNI investigation that he had been murdered and we subsequently have had indications that that has been the case. There is nothing that I have found or any family member has found that would indicate other than that he was murdered.

Q258 Chairman: Forgive my asking personal questions but we just need to establish certain things. Who can tell me how many disappeared there are, that families are seeking? Is this a finite number, a number we know?

Ms Peake: There are 17 known about cases and five bodies recovered.

Q259 Chairman: Of the 17, 12 are still unaccounted for?

Witness D: Yes.

Witness E: We have a list.

Q260 Chairman: You do? It would be very helpful if you could leave that with us. Is there evidence that all 12 have been murdered or are there still bits of doubt here and there?

Ms Peake: No. There are a number of cases that have not been claimed. In 1999 the IRA acknowledged that there were nine people that they had murdered and they gave reasons for that. There is one case that the INLA killed, Seamus Ruddy.

Q261 Chairman: So there are therefore two who are still unaccounted for? Have I got my sums right?

Ms Peake: That would account for 10. The remaining seven have not been claimed other than that the families would argue that the circumstances would lead them to believe that they were murdered.

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Q262 Chairman: And the bodies of none of those seven have been recovered?

Ms Peake: No. There are 12 bodies that have not been recovered.

Q263 Chairman: But of the five that have been found none of them is of the seven who have not been claimed?

Ms Peake: No.

Q264 Chairman: Have I got that right?

Ms Peake: Yes, you have.

Q265 Chairman: How does WAVE's ethos differ from that of other victims groups as you see it?

Witness A: I am not so sure that it does differ from other victims organisations. At the end of the day we were set up to provide support services for those that were affected by the conflict and I am sure that we are not the only people doing that up and down the country. Our main reason for being is to try and help those families, so we have not been wildly into lobbying and stuff like that as some other groups have. Initially it was to provide support services for people affected by the Troubles.

Q266 Chairman: Have you had any government funding?

Ms Peake: We have, yes.

Q267 Chairman: Can you tell us roughly how much?

Ms Peake: This year it will be just over £300,000, which will include over the last three years just over two million pounds Peace II resources from a wide variety of partnerships.

Q268 Chairman: I see from this that you have five branches; is that right—Belfast, Armagh, Ballymoney, Omagh and Londonderry?

Ms Peake: Yes, but we also have satellite services at 14 local bases running throughout Northern Ireland in addition to our permanent bases.

Q269 Chairman: Has the grant, other than for the Belfast group, gone direct from government to them or through you?

Ms Peake: It is all centralised.

Q270 Chairman: You make the allocations, do you?

Ms Peake: Yes.

Q271 Chairman: Is anybody here from any of these other groups, aside from Belfast?

Witness F: I am from the Armagh group.

Q272 Chairman: It says here you have had about £85,000.

Ms Peake: It is larger than that. There are regional services.

Q273 Chairman: Do you think you get a fair crack of the whip?

Witness F: Yes. I suppose it is like a lot of other victims groups. Everybody is clamouring to the pot for money. I have been involved in WAVE since the prison release issue because I was involved in a bomb explosion in which three policemen and a nun were killed and two men from my local community were getting released under the terms of the Good Friday Agreement. At that stage that is the reason why I went to be in Armagh. It was more support and with a listening ear and that was back in 1998. From the first day that I stepped through the door at WAVE I found a very supportive environment. Since then I have brought my mother forward. My father was shot dead at the beginning of the Troubles in August 1969 by the B-Specials. My mother was never involved in any victims organisations, nor indeed has she received any support throughout the 30-odd years since my father had been killed. It was really on the back of my own involvement in going to WAVE that she came forward, and even at that stage she said to me, "You do not need anybody else. Nobody is going to do anything for you. I coped okay with three young kids when your dad was shot and we managed", but for me times have moved on. WAVE is there to support everybody and I felt I personally needed to go. For me the whole inclusiveness was a big draw. The bomb that exploded was an IRA bomb by two men, two Roman Catholics from my own community. For me it was a big issue to go to WAVE and be supported. I have felt that since 1998 and my mother has become involved this last year or so with WAVE the same as myself.

Q274 Chairman: Do you find that the politicisation of victims and survivors' work in Northern Ireland undermines the effectiveness of that work?

Witness B: That is a difficult issue, Chairman. There is certainly an issue around that. In my work in relation to the murder of my nephew I have written letters and given presentations in terms of the strategy of Sinn Fein as a political party in relation to their response to what happened in our situation. There is certainly an issue around the politics and victims' issues.

Witness A: There is definitely some merit, for me anyway, in terms of victims organisations becoming more vocal about proclaiming what they are about and what they are trying to do in terms of looking at issues to do with the past. I also know that if you take, for example, the Good Friday Agreement and the run-up to that and the number of victims' organisations that I think were used politically, sometimes it is very emotive, like releasing prisoners. That was used sometimes to get people to vote no in the Agreement, so I think that that it is a two-edged sword for me. Yes, victims have to be more vocal in terms of presenting their cases, but I think we should not be used by any political party as a pawn because that is not what it is about.

Q275 Chairman: How do you think groups who work only or chiefly with one community should be encouraged to engage in cross-community work? Is this something that you have considered?

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Witness A: I think that groups have to be allowed to do that at their own pace. When you try to force that to happen it is probably counter-productive and with the groups that are involved in that you start to get their backs up, so if that means going at a much slower pace than that is what we have to do. By the same token the groups have to have some sort of commitment some time down the road to at least entertain the possibility of some sort of contact because it should be around peace and reconciliation. I also think it is about creating stories because at the end of the day, when you sit down with people and hear what has happened to them and their background and so on, you do start to have a different understanding of the experiences that they have been through. The experiences which I have been through are often shared but to try and force that could be counter-productive.

Q276 Chairman: I am sure you are absolutely right when you say you cannot force these things because we are moving in a very sensitive area. Have you got any thoughts from your own organisation as to how you might develop that and at what pace?

Ms Peake: We do work across communities. Many of our programmes are focused on, for example, working with parents who have lost children and that would work in a cross-community way. I think it is important to acknowledge that there are some people who will never contact services in the sector, who will want to be seen in their own home or the place where they feel safe.

Q277 Chairman: Do you go to people's homes?

Ms Peake: We do, and we do quite extensive outreach work. We do on average 4,000 visits a year and we receive over 600 new referrals a year, so the demands are increasing; you can see that. The other thing you can see is that there is a lot more trans-generational work with second or third generations who have been exposed to this.

Q278 Chairman: But cross-generational is not necessarily cross-community.

Ms Peake: No.

Q279 Chairman: What are you doing cross-community?

Ms Peake: We provide a number of programmes. We provide accredited training programmes, working in terms of both communities.

Q280 Chairman: Training for what?

Ms Peake: To facilitate communities we provide training for people in certain skills and in a whole range of professional development issues.

Q281 Chairman: All connected with the trauma of victims?

Ms Peake: Yes. We provide specialist groups such as parents groups, groups for people who are injured, all working on issues, but the groups come from across the community divide.

Q282 Chairman: Do you find this is productive?

Ms Peake: I do, yes. There are many friendships formed and you can see progression for people and exiting out of our programmes.

Q283 Reverend Smyth: If we continue to look at the concept of victims can I try to get something clarified because you did refer to the release of prisoners? There seems to be a growing number of people who are arguing that prisoners themselves are victims. Do you see that and does your work involve that?

Witness A: If I can answer that, my wife was murdered 11 years ago in a bomb down the Shankill Road in Belfast. If you had asked me that question 11 years ago I would probably have said to you that prisoners as far as I was concerned were the scum of the earth and should be locked up for ever, and certainly that would still be the view that is widely held even within my family. However, from that I have had the experience of getting out and meeting with different folk that were involved in the conflict and, whilst I still agree that some of them are just bad people and probably will always be bad people no matter what, I do think there are those that had they grown up in another part of Northern Ireland or the UK they probably would not have done the things that they did. It was an unreal situation. I do not know what gain there is in demonising prisoners. Having said that, I think that where they have taken lives they need to hold their hands up and take responsibility for that, and if that means doing time in prison or whatever then that should happen. I certainly was against the early release of prisoners and probably if you asked me I still would be. In terms of seeing them as demons, I recognise that in some respects they themselves are victims for the simple reason that they probably would not have done the same things had they grown up in another part of the UK. That includes the people who murdered my wife. The people who murdered my wife were two kids of 19 years old. They grew up about five minutes' walk from where I grew up. When I was growing up I would have got involved in things I am sure they got involved in, riots and stuff like that, if that had been the way it was in Belfast at that time. I was very fortunate that when I was only 13 or 14 I got involved with the church and the Boys Brigade and all the rest of it. They probably did not and one thing led to another and before you knew it at 19 years old they thought they could walk into a fish shop, leave a bomb on the counter and blow people to bits. Could I have done that if I had not had the intervention that I had? I really do not know. I just know there is no merit in demonising people but I think people do need to take responsibility for what they have done.

Ms McCann: From my perspective, as I said, there were two men from my local community, who lived within a mile radius of me. One was a gentleman who died two years ago of a heart attack before he reached his 40th birthday after being released from The Maze. The other gentleman was a teacher in a lovely community from a nice, middle-class, respectable family. He did have all the good things

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going for him but yet he did fall into that. Unlike the scenario of a lot of young men who are brought in because of their backgrounds, he did have a lot of things going for him. Do I see him as a victim? In some senses yes, I do. A bit like * * * *, my thinking would be that I want restorative justice. I have met him. He was released from The Maze and I met him two hours after his release. This is a man I know, not much older than myself, and he walked up the street and he winked at me and said, "Well, * * * *". He knows me personally, this man who had served 10 years for four murders and one attempted murder. For me, I would like at some stage to get in a room with him, sit down beside him and talk to him. I would like that to be facilitated in a way that it would make it easy for me and make it equally easy for him. I do not want any apology from him but I would like him to hear my story and the impact that it has made on me and to hear, unlike the stories he has been told that he did not do me any harm, that I went on to live my life, have a nice home, have a nice job, have a nice car and a nice family, what he has put me and all my family through. For me he is a victim in that sense in that he does not really know what it has done to me. He sees it from his side. I would like to hear what his story is. I do not want an apology from him but I would like to hear his story.

Q284 Reverend Smyth: I appreciate the answer you give because evidence has been given that sometimes there is more attention given to prisoners who were the perpetrators rather than victims who were completely innocent. What do you believe the main areas of need are in terms of victims services and how well are these being met?

Ms Peake: Do you want me to answer in terms of WAVE or just in general?

Q285 Reverend Smyth: Just in general. If there is anything specific about the disappeared by all means mention it.

Ms Peake: In general there is a range of issues. Part of what we would say is that there is difficulty around isolation and vulnerability for some people and the lack of information and support. We have often found that many of those people are only now accessing support services for the first time. There is a range of financial and welfare needs in terms of the difficulties families have been left with. Also, for some of them, because of the lack of support their lives have taken a path that they might not have wanted them to take and had that support been there things might have been different for them now. There are needs around children and young people that, chronic trauma that they are having difficulty working through. There are needs around pain services and specialist services for those physically injured and by and large those physically injured have been left particularly isolated because, for example, there is no record kept of how many of the physically injured there are, where they are and the services available to them, and some people have

quite difficult injuries with all the ramifications of those injuries. There are needs of carers. In terms of the disappeared there are particular needs.

Witness C: With regard to the families, we have worked with WAVE since the peace process started and we also came out of the woodwork, as you might say, because we felt it was safer to do so then, and while the peace is still on the table we feel it is fine to be there, but as a group the Families of the Disappeared would feel very threatened if peace was not on the table for us now because of the majority. My brother was killed by the INLA and his remains are still in France and as a family we would need to have negotiations or communications with the French authorities, which we do not have and we have never had. Even when the bodies were being recovered here in Ireland we only got a six-hour dig in France for my brother and I was in the forest when they did the dig. That was all we had. We had no communication with anyone about it with regard to the guard there and there was someone from the southern government there. The communications are not good for us. At times as the families of the disappeared we feel that we could be used in a sinister way by politicians because we are the most vulnerable group, I reckon, with regard to victims in the north of Ireland because we have not got graves and we have not got loved ones injured. We have got absolutely nothing.

Q286 Chairman: Have you had any help from the British Government with this?

Witness C: Through the Commission we did have, yes.

Q287 Chairman: Was the murder committed in the north or the south? Was it in France? Did he live in the north or the south?

Witness C: He lived in the south.

Q288 Chairman: That is why the guards and the Irish Government were involved.

Witness C: That is right.

Q289 Chairman: Was he a citizen of the Republic?

Witness C: He was. He had joint citizenship.

Q290 Chairman: But he lived in the south?

Witness C: He lived in the south at the time.

Q291 Chairman: Have you had all the help from the Irish Government you could expect?

Witness C: Over this past while, no.

Q292 Chairman: It sounds as though you are not particularly satisfied with the way the French have behaved.

Witness C: Yes, in that as a family we have not had any negotiations with them nor have we had any names to contact to keep the thing going and because of the French language being an obstacle we cannot bridge that.

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Q293 Chairman: The reason I am asking is that there ought to be people to help you with this sort of thing. This is what governments are for.

Witness C: Yes, but we have not had any.

Q294 Chairman: On what information did they go and dig in these woods in France?

Witness C: Yes. It is outside Pont-de-l'Arche, outside Rouen.

Q295 Chairman: Where did that information come from, that that was where he was?

Witness C: It came from a prisoner who was in Portlaoise Prison and he indicated the spot and at that particular time I went to a meeting in Dublin and received the map with the X on it, and at that meeting Senator Martin Mansergh was there from the Irish Government and we received the map and that was the first acceptance by the INLA that he was actually dead and he was there. The prisoner gave the information and then the southern government negotiated with the prisoner to get to the spot where it was and this is how it was indicated and this is how it took place.

Q296 Chairman: If you could just explain to me, because we might be able to help you here, was the prisoner the person who killed your brother?

Witness C: Yes, he was there when he was killed.

Q297 Chairman: And he was there when he was buried?

Witness C: Yes.

Q298 Chairman: Did he go out to this spot?

Witness C: No.

Q299 Chairman: Is he a citizen of the Republic or Northern Ireland?

Witness C: Northern Ireland.

Q300 Chairman: He lives in the north?

Witness C: He was released and he lives in the north now.

Q301 Chairman: Okay. I think you need to leave that with us because if governments are not providing enough assistance then governments ought to. As it happens, I am seeing Senator Mansergh next weekend, so I will talk to him about it because I think you should be getting help. This is a very particular case where you need international help so you need someone from somebody's Foreign Office to do the diplomatic bit of it all, but it should not be impossible and they should be trying. Are there any other families of the disappeared who are in any sort of similar situation where the government could be doing more?

Witness B: Yes, Chairman. Can I raise an issue in particular to the situation concerning my relative, * * * *, my nephew? I wrote to Angela Smith quite recently in relation to an issue pertaining to financial support. The issue is that the government quite recently in terms of the Tsunami disaster made

arrangements for victims' relatives in relation to the seven-year time period to declare someone officially deceased and get documentation in relation to that. That would be of great benefit to the * * * * family. My nephew has two young sons. The rest of the family obviously will support those children in terms of their future needs but it would be of great benefit to the * * * * family if the government would consider moving in that direction in order to support some documentation being made available in this case.

Q302 Chairman: Where do you live, * * * *?

Witness B: I live in Belfast but my family are originally from Northern Ireland.

Q303 Chairman: Who is your Member of Parliament?

Witness B: The Reverend Smyth.

Chairman: There you go. That is not something for the Committee to do. That is something for the Reverend Martin Smyth to do.

Q304 Reverend Smyth: The family lives in Northern Ireland; that is what you are saying?

Witness B: Yes.

Q305 Reverend Smyth: Leave your details with me please.

Witness B: Yes.

Q306 Chairman: We are having a general inquiry. It has got very specific because that is such an unusual point that * * * * has raised. * * * *, the right thing for you to do is to talk to the Reverend Martin Smyth, go and see him as your constituency MP and he should be able to advance that. It is not for this committee.

Witness B: I appreciate that.

Q307 Chairman: I am interested in taking this up because it is very unusual and it is international and maybe we could help or I could help.

Witness E: Can we move on? I am speaking for some of the other families as well. We have been asking for some things from the government, like we want to get funding for a worker within WAVE specific to the disappeared. Most of the searches were conducted in the south of Ireland, and that was maybe four years ago. We have asked, where is that information? Who has got access to it? If somebody rings up in two weeks' time and says, "We have some information where your brother is buried", where do I go to find out, what has already been done, what has been dug up, what areas have been covered? We have never got the answers to that.

Q308 Chairman: Who have you asked?

Witness E: We have asked Des Browne who would have been in with us at one time.

Q309 Chairman: And he has not given you an answer?

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Witness E: He has moved on.

Q310 Chairman: But you have had no answer?

Witness E: We have had no answer. It has been brought up. On whatever occasion we have been meeting people it is always brought up, and also we would like to have a set contact number if somebody wants to get information.

Chairman: I think it would be very helpful—and let us take the French case as being separate—if you could consolidate these other cases where you have tried to seek the government’s help and have not received satisfaction. Could you write to us about that and we will incorporate it in what we are doing and make some comments and the government will have to answer us because that is what they are required to do? If you could perhaps consolidate all that into a short paper for us we will see what we can do to help.

Q311 Reverend Smyth: Have you been in touch with the Northern Ireland Office on that very issue since you are in Northern Ireland?

Witness G: Yes. We were talking two weeks ago to the Secretary of State and I brought it up again with him and he said they are hoping now to consolidate the IRA issues and he is trying to get something working to get us information.

Q312 Chairman: Are we talking specifically about your case or about the others?

Witness G: No, about mine.

Q313 Chairman: If you talk to Mr Murphy about it I will talk to Mr Murphy about it.

Witness G: Thank you.

Q314 Mark Tami: Moving on to funding, we touched on this earlier when I heard the figure of £300,000 mentioned and I am sure every group would like more money. What could you do with extra funding?

Ms Peake: As far as WAVE is concerned it will be continuity of services. If you look at our funding for this year the majority of it will end this year and yet the area is growing. When I say the area is growing I am talking about the numbers of people coming forward for services in addition to those that are continually accessing a range of services. That is one of the big fears that exists within the sector, that they have an expectation that people will be provided for and services will be there.

Q315 Mark Tami: Is that the size of the money that is allocated or the short term nature of it?

Ms Peake: The short term nature of it and also the level of funding. When you look at the numbers of people that are coming through WAVE for services, it is important that support service provision is there and also that it is tailored to a range of areas, one-to-one support but also seeing people into group support and re-engaging in the opportunities.

Q316 Mark Tami: What criteria do you think should be applied by funders to groups?

Ms Peake: Funding has been spread across quite a number of areas and not all of it is targeted specifically to those directly affected by the Troubles and I think that must be one of the most central criteria, that funding is available to those who are providing services directly to people affected by the Troubles.

Q317 Mark Tami: So you think there should be tighter control over that?

Ms Peake: Yes.

Q318 Reverend Smyth: There is a constant argument as to whether processes for settling issues and dealing with the past should be victim centred. Do you agree with that or should there be a wider approach, bearing in mind that if we centre on the victims and keep asking people to repeat their story maybe that will make them feel more victimised?

Witness A: Can you define that? What do you mean by “victim”?

Q319 Reverend Smyth: A victim is anybody but then it goes wider than that. You have communities and relations and such like. The victim is usually the person who is closest, who either has suffered physically or is a very close relative of somebody who has suffered, but then beyond that there is a wider range of family links.

Witness A: I think in the first instance we mean people directly affected by the conflict. I think they have to be essentially part of the process, that that is the road that we choose to go down. You must bear in mind too that at the minute when it comes to identifying routes that appropriately deal with the past there is a lot of talk but nobody really has any clear understanding of what it is they are talking about. If you talk, for example, in terms of truth committees and stuff like that, there have been so many that have happened around the world that to try and pick one that would be relevant to Northern Ireland is going to be a very difficult thing to do. Essentially it should be victim centred but if you are going down that road then obviously there are other aspects for society to take on board. We need to examine, for example, the role of the churches, the role of the political parties, the role of governments, the role of institutions like the Northern Ireland Housing Executive. It is a ripple effect. As a starting point it should definitely start with identifying the experiences of people who were directly affected, the victims themselves.

Witness F: You talked about story telling, that it might re-traumatise them. My personal opinion is that it is not story telling; it is grief telling. Part of our problem is that we have been brought up in a culture where we did not tell our stories. When my father was shot in 1969 you did not tell your story; you kept it in-house, you dealt with it. For me, you did not get ease in referring to it; you did not get grieving properly. For me, I would not discount the story telling because I think there are so many people in

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Northern Ireland who need to tell their stories, that need to be allowed to do so, that need to be told it is all right rather than, "Don't talk about this". There are quite a lot of victims out there who have never told their story. There are also quite a lot like me who have told their story time and time again but you should not discount story telling. Let people be allowed to tell their stories if they want to.

Q320 Mr Beggs: Is it true to say that the truth gives closure to victims?

Witness A: It is a very difficult question in many respects. First of all, people sometimes talk about victims as if they are talking about one person or one constituency that all think the same thing. That is not necessarily the case. Victims are like everybody else in life, they are all different. For some truth would undoubtedly bring closure. I do not want to speak on behalf of the disappeared but the truth of where a body is I think would be hugely beneficial to a number of the families around this table. Would that bring closure or would it lead to other questions about why, how, who, when? I really do not know. For myself, I do not necessarily need to know all the facts. I know that my wife was murdered. I know the IRA murdered her. I know who planted the bomb and even though the people who planted the bomb, 19-year old kids, went out and were obviously sent there by someone much older, much wiser, I do not for myself necessarily need to know that but I recognise that there are those who do need to know and they cannot move on until they get that information. The information should be available for those that want it.

Q321 Chairman: They were killed as well, is that right?

Witness A: One was killed and one was released under the Good Friday Agreement.

Q322 Chairman: One was convicted and then released?

Witness A: He served four years for nine murders.

Witness F: For myself the truth might not bring closure but certainly it would help in my father's case. As I have said, he was shot by the B-Specials. The bullet that shot my father was never found. I was only aware of that quite recently. Also, under the 30-year rule government papers were released in 2001 and information came out of that. That for me is not enough. My mother never went forward to find out any more but there are questions I want to know the answers to. Where did the bullet go that shot my father? Who fired that bullet? For me that would probably help our family, not that we are going to do anything about it but it would help us in some way.

Q323 Mr Beggs: How effective has the Commission for the Disappeared been in uncovering the truth about what happened to your loved ones and what more could it do?

Ms Peake: I think this question should be centred around what the Commission was set up to do and what the expectations and needs of the families are in respect of the Commission and the two do not always marry. The reality, I suppose, is that because of the nature of where a lot of the sites have been there has been more contact with the Commission in the south than in the north. Part of some of the families that are not included on the list but that have struggled is that if there is information out there how can it be channelled when the Commission is not a body that has got a profile and an identity that is very clearly seen? That is around what the Commission was set up to do and what the expectations and needs of the families are.

Witness D: In 1999 when first things started for my mother and the rest of the disappeared I did not even know there was a Commission set up. I first heard of my worst day on TV. No-one took the time to contact me or the rest of my brothers and sisters. They did contact one of my family members but she did not make it aware to us what was going to take place. For me, when I saw it for the first time on TV where my mother was buried it was a big hurt to me that it happened like that. I would like it to be that if it was going to take place they should contact family members. I hope for the rest of my family that other people never experience that.

Q324 Mr Beggs: Let us hope that they learn from that bad experience. How much did the list of the disappeared issued by the IRA in 1999 contribute to the truth about what happened to your loved ones?

Witness D: In the case of my mother, they said my mother was buried on one beach and she was on another beach not half a mile away. They told us my mother's body was buried on Templetown Beach and she was actually buried on Shellinghill Beach. The two beaches are similar but there was a landmark on the beach where she was found and there was no landmark whatsoever on the other beach, so they should have known. It was people from that area that had buried my mother because no-one from the north would have found that beach.

Ms Peake: Some of the reasons that were given the families found quite hurtful and also they would have disputed that and they thought it was an example of trying to give information which potentially was not positive for the families. Also, for the other families whose loved ones were not claimed on that list, that list represented a further closing down of information concerning their loved ones and they found that difficult.

Witness E: In 1999 the IRA had said that my brother had been an *agent provocateur*, which obviously did not go down well with the family. We are still trying to find out the reason behind why he was taken and eventually murdered. We have also been trying to find out information from the police files, coming at it from that side as well. Hopefully, we will have a meeting in April or May but, with regard to yourselves, if something comes back and they say to

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us, “No, we cannot tell you anything with regard to security of information”, do we or the other families have any other angles to go at that you are aware of?

Q325 Mr Luke: The Chairman in his preamble set out the remit of this committee but we are only at the very beginning of what we are looking at, which is in response to what the Secretary of State is trying to find out, whether it is possible to get a truth commission set up. In your view do you believe the time is right for a truth commission for Northern Ireland and what benefit would that have over the normal formalistic style of public inquiries and the criminal justice system?

Ms Peake: In terms of the work we do we are working with quite a number of people. We really do not know. There will be families who would want to see a formal truth process and there are others who would potentially find that very difficult. As Alan has said, there are lots of differences even within families about the approach the families would want to see taken. One of the factors here is that there are a thousand other families who do need truth and comfort and a mechanism to do that but it might not be one mechanism; it might be several. The one thing I suppose is that the Secretary of State has announced a consultation but nobody really has heard about it. There is a lot of mystery around it and a lot of suspicion because mystery and lack of knowledge bring suspicion and I think we would have people, quite rightly, asking us, “What is it about? What is it set up to do? Have you heard about it?”, and quite simply we can say we have not, so there is a difficulty with that.

Q326 Mr Luke: That comment has been made to us before. In some of the evidence we have taken previously, talking about different approaches, some people advocate a much more general practices and patterns approach in the whole issue of dealing with trauma. Others have argued for a much more individual approach, for example, the location of bodies and so on. At the end of the day would a process which did not establish the truth about individual events be satisfactory to the victims?

Ms Peake: For some families no, it would not be. For some families that would be a prime need and it would also be a form of justice and recognition.

Witness D: From what different people have talked about it seems that a lot of them are saying that until it is tied up it is always going to be there.

Q327 Mr Luke: Lastly, and this is your chance to put it on record because you say you have not heard much from the Secretary of State but the Secretary of State will read this report, how do you believe this debate or this process should be carried forward?

Witness A: Personally speaking, and again I find it quite difficult to speak representing WAVE because we have such a broad church of people, we have people that voted no in the Agreement and people who voted yes and people who could not care less about the Agreement in our organisation so it is very hard to represent such a diverse group of people.

Therefore, if I could speak just for myself for a moment, I have some reservations around Paul Murphy leading a consultation on a truth commission. I believe it should be someone who is totally independent, who would not have been a participant in the conflict at all, who would be the best person to lead such a consultation. The other thing that I would be a wee bit concerned about would be the associations that people draw between here and South Africa, almost as though the South African model of truth is the only model that existed. Paul Murphy did not do an awful lot to dispel that myth when the very first place that he visited was South Africa itself, given that he was probably well aware that people had concerns like that. There have been something like 30 truth commissions that have happened around the world. If you ever set up a commission to look at the truth I think you need to look at all these models and come up with a model that would work in Northern Ireland. I would be sceptical, I will be honest with you, about whether we could have a model that would work here but at the minute nobody knows what they are talking about and I think only when we have that consultation led by the right people will the debate be informed.

Chairman: If I might interject there, you may criticise Paul Murphy for going to South Africa, but at least he went with an open mind and came back and said that he did not think that was the right model at all, so some purpose was served by that.

Mr Luke: We recognise that there may be other models and perhaps in the next stage of this we will be looking at different models.

Q328 Mr Campbell: On the issue of commemoration and memorials, WAVE comments that there have been a number of commemorative projects in Northern Ireland. Which of these do you think have been the most successful ones and could you tell us why they have been so successful?

Ms Peake: We have engaged in a number of projects looking at different themes, mostly using WAVE arts, for example, the stained glass project which is in the Ulster Museum, which was undertaken by families. It is 19 panes of glass each depicting an image. I suppose the other that I could mention would be around the disappeared which was a commemorative remembrance project last year, which was the release of black and white balloons from the City Hall and along with that was a storytelling initiative by Families of the Disappeared, which was a very important project. So many of the projects are centred within and around certain themes and certainly we have found that families have found them to be very beneficial, providing that they are set up right.

Q329 Mr Campbell: You have anticipated my next question about the disappeared and the commemoration at the City Hall. Is there any permanent memorial or is there a plan to have anything of a permanent nature regarding the families of the disappeared?

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Witness D: No, because at the moment there are a lot of bodies still missing so they do not want to put one down because they do not think there is closure. That is one of the reasons why they do not want a memorial.

Q330 Mr Campbell: Has any thought been given, assuming a successful outcome to the remainder of the bodies being found, to doing something then?

Witness D: Yes.

Witness B: That would be the main thing.

Q331 Mr Campbell: Would that be something of a permanent nature, some sort of memorial?

Witness D: Yes, it probably would be a memorial.

Witness B: From my point of view I think it would be. My difficulty with the question is that for us the recovery of the bodies of our loved ones is unfinished business and therefore it is difficult for us to address that issue. It comes back to Mr Beggs' question about truth and does this facilitate it. My response to that would be that what would help me to move on would be to bury my nephew and until that happens I have a difficulty, but I suspect that at the end of this process if all the bodies were recovered then that would be something that we would discuss and there would then be a purpose to move forward.

Witness C: The best memorial would be a headstone. That is our base line.

Q332 Mr Beggs: What contact has this independent commission that has been established actually had with those who are waiting for bodies being identified? How frequently do they make contact with you?

Witness C: They have not. We would have met the commissioners in WAVE headquarters and that would have been the time that we as a family would have met them. The individual families probably would have met them when the burial sites were being excavated but since those days there has not been any.

Q333 Mr Beggs: So they do not report every six months that there has been any progress?

Witness C: Nothing.

Witness B: Again, part of the total frustration of this group is that in relation to the commission and in relation to the political parties, and I have spoken to senior members of Sinn Fein, there is nothing. It is very difficult to get any information that moves this process forward in any way and that is a complete frustration.

Witness C: Whenever they did the digs there was a consortium of information gathered at that particular stage and I know when we met the commissioners I had asked them if they would give each family even a dossier or synopsis or report of what happened on their dig, not the general information, which they did not want. That has not happened and it must be August two years ago when we asked for that information. We still have not got it. We might as well disappear when it comes to it because we have to keep coming forward and saying we are still here. It would be helpful if somebody could try and get information for us.

Ms Peake: It goes back to the expectations of the commission and what it was set up to do, the work the families would like to see it undertake and also the fact that there is no permanent base and no civil servants attached to it permanently. That has been part of the difficulty. Also, in terms of looking at specialist investigation or the use of personal testimonies or special searching equipment or what there has been done internationally, there has been none of that or none of that which is visible and that has been a difficulty. A lot of the contact has been more with the south because of the nature of where the digs are but the issues are pertinent to everyone and I think the families have got to work a lot more in confidence with each other and that has only been over the last number of years.

Chairman: Ladies and gentlemen, thank you very much. It has been a very interesting and helpful session to us and you will see the fruits of our labours when we report in due course.

Memoranda submitted by Pat Finucane Centre

The PFC is a human rights group named in memory of Belfast solicitor Pat Finucane who was shot dead in 1989 by members of the loyalist UDA working under the direction of an undercover British Army unit, the Force Research Unit (FRU).⁶ The Centre is non-party political, anti-sectarian and advocates a radical non-violent resolution of the conflict on the island of Ireland. We believe that human rights have been violated by all participants to the conflict over the past 30 plus years. The PFC seeks to promote respect for human rights, dignity and justice within Ireland.

The main focus of our work is the role of the State because of the particular responsibility of the State under domestic and international law to guarantee the human rights of all citizens. The work of the PFC is based on the following premise: the failure by the British Government to uphold Article 7 of the Universal Declaration of Human Rights—"All are equal before the law and are entitled without any discrimination

⁶ According to Judge Cory members of RUC Special Branch and the Security Service M15 were also implicated in the murder.

⁷ This is with specific reference to the ramifications of RUC and British Army killings in the period 1969–72 and the failure to prosecute those responsible. This caused massive alienation and resulted in growing support for armed resistance to the state. See for instance O' Dochartaigh, Niall, *From Civil Rights to Armalites, Derry and the Birth of the Irish Troubles*, 2005.

to equal protection of the law”—is the single most important explanation for the initiation and perpetuation of violent conflict.⁷ It is therefore implicit to conflict resolution in Ireland that Article 7 be implemented in full. The PFC campaigns towards that goal.

We provide practical support and assistance to victims, survivors and relatives of those bereaved through the conflict, particularly those affected by state violence. We assist families engaging with government bodies, the PSNI and Director of Public Prosecutions, the Human Rights Commission, relevant legal professionals, and the media. In addition, we liaise with human rights NGOs and international bodies in order to highlight the cases we work on. Through this work, the centre strives to make the truth-recovery process as accessible as possible for families. We do not approach those whom we offer support to. They must first approach us.

THE NORTHERN IRELAND AFFAIRS COMMITTEE

We welcome this opportunity to make a submission to the committee and wish to thank the staff for facilitating us. It is perhaps useful for the Committee to be aware that we had initially decided not to make a submission. The decision to extend the deadline and proactive outreach by your staff encouraged us to engage with the process after all.

Our initial hesitation was based on a number of factors not least the belief on our part that a full consultation on ways of dealing with the past can only be carried out by a body independent of the British Government and parliament and clearly distanced from the events of the past 30 plus years. The apparently ongoing and, from our perspective, non-existent consultation by the Secretary of State, did little to allay our suspicions that government was seeking to control and therefore determine the outcome of any consultation. We accept, however, that this Committee is intent on gathering a broad cross section of opinion and would hope that our contribution might encourage you to recommend a consultation and mechanism that is international and independent in nature.

The issues that this Committee seeks to address are questions that we face daily in our work with victims and survivors. We have no easy answers or responses. In recent years however, we have come to the conclusion that it is necessary to think outside the proverbial box, take risks and engage in processes that would have been unimaginable some years back.

The Chief Constable has referred to a “third way”. This is interpreted as a reference to a non-legal response not based on the retributive model inherent to the criminal justice system. We would not reject this approach, particularly in response to the resolution of deaths/killings/murders⁸ which occurred many years ago. This in turn raises difficult questions regarding a possible amnesty. It is important to note that a *de facto* amnesty has existed for the actions of the security forces since 1969. On the few occasions where soldiers have been convicted of murder for instance they have been granted early release from life sentences and allowed to rejoin the armed forces. At present two soldiers convicted of murder, Guardsmen Wright and Fisher, are serving soldiers. One has been promoted. Mrs Thatcher’s claim that “murder is murder is murder” has not been reflected in the actions of various governments to wrongdoing by the security forces.

DEALING WITH THE PAST

“Dealing with the past” is a central element of transitional justice processes. This process provides a bridge between a past marked by mistrust, hostility and deep divisions, and a future founded on recognition of human rights and respect for human dignity. Addressing a legacy of past human rights abuses is therefore vital in societies emerging from conflict, and there now exists a substantial body of international human rights and humanitarian law and standards which provide a framework for exploring available policy options.⁹ There are also significant lessons that can be learned from other societies, both positive and negative.

PROBLEMS TO DATE

The process of dealing with the past in this jurisdiction has been marred by the adoption of “a piecemeal approach”,¹⁰ and also by the ongoing impact of the past on the present political process. So for example the recommendations of the Patten report on policing were regarded by the policing family and many within the unionist community as a “sell-out” of the RUC. This view was based on a particular and contested interpretation of the past and the role of the RUC in those events. The loss of over 300 officers in the conflict further emphasised the point that change represented the betrayal of their memory. The memory and experience of the nationalist community was clearly different.

⁷ This is with specific reference to the ramifications of RUC and British Army killings in the period 1969–72 and the failure to prosecute those responsible. This caused massive alienation and resulted in growing support for armed resistance to the state. See for instance O’Dochartaigh, Niall, *From Civil Rights to Armalites, Derry and the Birth of the Irish Troubles*, 2005.

⁸ The terms used to describe violent death here are also contested. Those families whose loved ones were killed by the security forces are not allowed to refer to these deaths as “murders”. Nor are these deaths classified as “murders” by state agencies.

⁹ See further, for example, Northern Ireland Human Rights Commission (2003) *Human Rights and Victims of Violence* (Belfast, NIHRIC)

¹⁰ Bell, Christine, “Dealing with the Past in Northern Ireland”, in *Fordham International Law Journal*, Vol. 26, No. 4, April 2003, pp.1095-1145, at p.1098.

In addition, there have been protracted, unco-ordinated and at times invisible consultation processes that have failed to garner the confidence of the victims' community and to make a comprehensive set of recommendations for addressing the legacy of the past. The Bloomfield report is an obvious example.¹¹ To date, the government has adopted a two-pronged approach utilising service provision and inquiry models, both of which have failed to meet the needs and demands of victims. Furthermore, official discourse has embraced a "two traditions" analysis of the conflict "that tended to diminish (to the point of disappearance) the role of the State as an active and violent agent in the conflict",¹² which has not only had the impact of fuelling the sense of injustice amongst those affected by state violence, but has facilitated the notion of a "hierarchy of victims". It has advanced the notion of "innocent" victims and relatives, thus leading to the revictimisation of those whose loved ones are deemed as "guilty" or less deserving.

THE DOMESTIC CONTEXT

Those who have been bereaved during conflict are the people who have lost most yet it is these same people who are often the most willing to make leaps of faith in terms of addressing their needs, in the hope of being treated with respect and honesty in response.

It is important to note that in our own experience, families who have been bereaved are not making huge, unrealisable or unrealistic demands: their fundamental requirements surround the need to know how and why their loved ones were killed, public acknowledgement of these facts, and perhaps a sincere apology for these actions.

The big question is how can this be delivered in the most positive and effective manner? The answer is not simple but the need to develop a coherent answer to this represents an exciting opportunity for making creative policy choices that will have such a powerful impact on individuals, society, and the broader political peace process. While the PFC does not seek to claim to provide the answer to this question in this submission, we do seek to highlight some issues which we have identified as requiring significant attention when developing past-related policy that will be acceptable to our client base, and to the victims' community and society more broadly.

To be successful a process should include:

- clear goals and a clear timeline for completion;
- victims, combatants and other organisations and institutions being prepared to ask and/or answer the hard questions relating to the past;
- adapting transitional justice theory and experience in other jurisdictions in order to reflect the specific needs and practical realities of our situation;¹³
- constructing a comprehensive and co-ordinated strategy reflective of the needs of victims of the conflict and also mindful of the interface of past-related policy with other transitional justice processes (such as institutional reform and amnesties);
- the need to develop a sense of ownership and inclusivity of the process of developing a strategy for dealing with the past.

KEY PRINCIPLES:

An international independent process

The consultation process, of which this Committee forms a part, must be internationalised and be made independent of government. The mechanism that eventually results from this consultation, whatever form it takes, must also be international and independent in nature.

There are two reasons for stating this.

1. The first is that the state was and is not a neutral arbiter, it was an active combatant and as such it is wholly unacceptable for the state to seek to determine past-related policy. The role of the state and the various security force, intelligence, and criminal justice agencies throughout the conflict also requires scrutiny and accounting for as part of past-related policy. We are enclosing recent correspondence to Victims Minister Angela Smyth MP that outlines some of our concerns around this issue.

2. There is a precedent for internationalising both the consultation process and the mechanisms that emerge. Key aspects of the conflict here such as prisoner releases, policing, decommissioning and indeed the political talks leading up to the Good Friday Agreement were addressed by international bodies. This is also one of the fundamental lessons that can be learnt from other areas of conflict.

¹¹ The Bloomfield report failed almost entirely to address the issue of state violence.

¹² Lundy, Patricia and Mark McGovern, "The Politics of Memory in Post-Conflict Northern Ireland", in *Peace Review*, Vol.13, 2001, pp.27-33, at p.28.

¹³ It should also be noted that "[t]he integrative, restorative, and peacebuilding functions of transitional justice measures are most effectively realised when the strategies closely reflect the population's (often conflicting) needs, attitudes, and perceptions." International Centre for Transitional Justice, "Iraqi Voices: Attitudes toward transitional justice and social reconstruction", May 2004 (New York, ICTJ).

A voluntary victim-centred process

It is vital to the success of any truth recovery mechanism that those victims who wish to be involved are provided with the opportunity to do so. Victims must be provided with opportunities to engage and for their opinions to be heard and to be seen to have been heard and reflected upon in policy-making decisions. This will require a coherent strategy for dissemination of information and providing a range of ways for individuals to respond if they wish. The strategy should be cognisant of the reality that not all individuals who may wish to be consulted engage with victims organisations and therefore need to be accessed through other means. Equally those who do not wish to engage should not feel obliged to do so. It would be entirely wrong to seek to convince relatives that they *should* engage in a particular process and that not to do so is contrary to the aims of reconciliation. This highlights one of the inherent problems facing groups such as our own. How to offer support that enables individuals and families to move on without betraying the memory of those they have lost?

A comprehensive strategy for dealing with the past

Dealing with the past requires a broad strategy reflecting the reality that there are diverse needs within the victims' community, and that the needs of victims often change over time. Thus it is unlikely that a single process for addressing the legacy of the past is desirable. The PFC advocates the adoption of a range of measures that provide a means of addressing the wide-ranging and changing needs of victims (and broader society), each of which inter-relate in terms of the effect that they have and the contribution they provide to the longer-term process of contributing to a lasting peace and to nurturing reconciliation.

Therefore, the PFC recommends that processes that perform the following functions are required:

- (a) factual clarification and truth recovery;
- (b) justice and accountability;
- (c) story telling;
- (d) acknowledgement; and
- (e) moral reparations.

In practice all of these processes interlink and impact upon each other with implications that require incorporation into the overall strategy in advance. For example, factual clarification and truth recovery provide the opportunity for fulfilling the need to provide answers relating to how and why loved ones were killed, and also an understanding of practices and policies that led to decisions being made. Such a process may then lead to an opportunity for prosecutions, or for other means of securing justice or accountability for past human rights abuses, and also an opportunity for undertaking lustration and to tweak the new institutions in order to apply the lessons from the past to prevent repetition.¹⁴

The need to provide opportunities for families to tell “their” story has been a recurrent theme over the past years and fulfils the role of nurturing healing and also providing recognition of their loss and pain.¹⁵ These processes lay the foundations for a process of implementing moral reparations, most importantly through public acknowledgement of the “truth” established as a result of the above processes. Acknowledgement of certain events as opposed to the establishment of the “truth” may aid the reconciliation process. There is for instance no need to establish that the La Mon Restaurant was firebombed and that innocent people lost their lives and that this was wrong. A full and frank acknowledgement of that established fact however is vital and required of the organisation responsible, the IRA.

A further element that must be considered when developing the strategy for dealing with the past is how these processes interface with other elements of transitional justice. In the domestic context, there have been developments in terms of institutional reform, and “on the runs”, which have been undertaken on an *ad hoc* basis. However, there is no getting away from the fact that the revelations about the past which emerge through the various processes will inevitably impact on institutional reform.

(a) Factual clarification

People need to know facts—why was their loved one targeted? Who were the decision makers? Who sanctioned it? Why was there no proper investigation? Did the authorities have prior knowledge? If so, what action was taken? There are also issues around clarification of statistics of people killed and who by. One mechanism that is being considered to address these issues is the Serious Crime Review Team (SCRT) of the PSNI. We will return to the role of the SCRT below.

¹⁴ This not restricted to the conflict here. Had the rule of law been properly applied here to those members of the armed forces responsible for torture and unlawful killings then it is quite possible that similar allegations would not have surfaced years later in the occupation of Iraq.

¹⁵ As part of a “package” storytelling can play an important role but we reject the proposition that story telling in itself is sufficient. What “story” for instance could the Finucane family tell about events surrounding the murder of Pat Finucane? They know what happened in their home that night but not the essential truth behind the murder. That can only be uncovered in a judicial inquiry.

(b) Accountability

There needs to be a mechanism established which provides some form of accountability for past actions once the facts of the case have been clarified. An opportunity exists for creativity around the nature of the mechanism established given the transitional justice context. There are many examples from other jurisdictions demonstrating the different potential approaches that can be taken. There must also be emphasis on explaining policies, practices, and patterns, along with explanations of the rationale behind counter-terrorism policy and actions, apologies for unjustified actions, and accounting for why other actions are deemed legitimate and lawful.

There is also a need to provide accountability through the application of the concept of command responsibility, as many people feel the need to know about the higher levels of decision-making rather than the “small fry” who actually carried out the killings.

(c) Story telling

It has become clear that a useful role can be served by providing a formal opportunity for people to tell “their” story. This fulfils a number of roles, such as providing recognition. The recent experience of the Ardoyne Commemoration Project which resulted in the publication, *Ardoyne—The Untold Truth*, is an excellent example of such a community based initiative. In the PFC we have recently produced a 45 minute documentary film telling the story of one family’s experience following the loss of their mother.¹⁶ This has also proved to be a valuable step for the family. In 2004 the PFC invited an international panel of human rights experts to review information that we had had gathered under the aegis of the Recovery of Living Memory Archive. An essential and successful aspect of their visit was the opportunity offered to victims and survivors in Mid-Ulster and the border area to tell their story in a safe and confidential environment. For the majority this was the first time they were enabled to do so.

(d) Acknowledgement

There must be full and public acknowledgement of the role of all the actors during the conflict, including republican and loyalist groups and the state.¹⁷ The impact of acknowledgement by those responsible for wrongdoing should not be underestimated. If the IRA acknowledges that a wrong was done in a particular incident leading to loss of life then republicans are more likely to accept that this was the case and less likely to engage in “whataboutery”. Equally if loyalists or the state acknowledges that wrong was done it is more likely that this will be accepted by the loyalist community and/or the British public and will no longer be contested.¹⁸

(e) Moral Reparations

Factual clarification, accountability and acknowledgement each have a role to play in the process of moral reparation. Each presumes a degree of co-operation by the “other” which in itself may begin to repair the damage done though we do not wish to overstate the case. True acknowledgement for instance entails an apology. It may be possible that the very process of dealing with the past will, by its very nature, evolve into an informed discussion of moral reparations.

Furthermore, once a model is proposed it is important that a clear remit is established at the outset to avoid confusion and mixed expectations. A timetable for implementation and completion of the process should be proposed. Opportunity must be provided for interested parties to respond to the proposals, which must be based on international human rights and humanitarian law and standards. There must be an independent element to whatever processes are established. Overall, it is vital that the final strategy is the outcome of negotiation, compromise and agreement amongst interested parties, and not one that is imposed on society.

A COMMON NARRATIVE?

It may be that dealing with the past will lead to a common narrative of what occurred during the conflict. This would be a desirable outcome but may not be achievable in this or the next generation. It may never be possible. In any case we submit that it would wrong to judge the success of the process on achieving this aim.

¹⁶ Lifting a Dark Cloud—The Kathleen Thompson Case, PFC, 2004.

¹⁷ Reference to the “State” here includes the criminal justice system and the intelligence agencies north and south of the border.

¹⁸ The point has often been made that what is unique about Bloody Sunday is that the truth of what happened has been contested and denied.

Final thoughts

The PFC asserted above that the key to developing an effective past-related policy is to provide a means by which to provide information to people bereaved as a result of the conflict regarding how and why their loved ones were killed, public acknowledgement of these facts, and perhaps a sincere apology. It is clear that a purely legal process of accountability cannot fulfil these requirements. This therefore requires imagination on the part of the state, the victims community, and other interested parties in order to develop a strategy that is coherent and effective in meeting these needs within the context of the need to ensure processes do not alienate those who are required to impart information in order for this to be a success, namely the parties to the conflict and the organs of the state.

Put bluntly, the IRA, INLA, UVF, UDA, LVF, RUC, British Army/MoD, the security services and others will not agree to or take part in any process that individualises, names and punishes individual members of any of the above organisations. It is also highly unlikely that any individual involved in illegality will come forward in the context of a truth recovery process if criminal prosecutions were to follow.

The emphasis therefore is on restorative justice rather than taking a strongly retributive justice approach, which creates a space for adopting an imaginative approach to developing a strategy. A range of initiatives will be required to meet the different goals of dealing with the past, and to also reflect the diverse and changing needs of victims. At the heart of the process of developing a comprehensive strategy for dealing with the past must be a means of asking the hard questions and reflection on a painful, contentious and contested past in a manner which helps the process of healing for bereaved families.

It should also be noted that the concepts of “reconciliation” and “dealing with the past” are often uncomfortable bedfellows—in order to effectively address the past there will be difficult questions and even more difficult answers or lack of them. In the short term this will not necessarily create a culture of reconciliation. It is, however, only by undertaking such a process that true reconciliation can be developed in the longer term, in the context of a better understanding of the legacy of the past and the mutual suffering experienced across communal, religious and national borders. “Truth recovery”, “justice and accountability”, “peace”, and “reconciliation” are all vastly different processes and require diverse strategies. It is wrong to believe that a single mechanism or process can address the different needs of a society emerging from conflict.

CURRENT BRITISH GOVERNMENT RESPONSES

There have been a number of developments in relation to allegations of wrongdoing by state agencies. We do not propose to address these issues in any depth but wish to draw your attention to specific concerns. These allegations fall into two broad categories:

1. allegations of collusion between loyalist paramilitaries and the security forces;
2. allegations concerning the use of lethal force by the security forces and a resultant failure to properly investigate these incidents.

1. THE ALLEGATIONS CONCERNING COLLUSION

Pat Finucane

The response of the Prime Minister to the Cory recommendation that an independent public inquiry be established to inquire into the murder of Pat Finucane has been deeply disappointing. The proposed Inquiries Bill may in fact lead to the Finucane family boycotting any proposed inquiry. The concerns of the family regarding this legislation are shared by the Law Society of England and Wales, Amnesty International, the Joint Committee on Human Rights at Westminster and quite possibly members of this Committee. This has not engendered confidence in the willingness of this government to engage in a truth recovery process.

The Dublin¹⁹ and Monaghan bombings

Regrettably the government has withheld vital information from Justice Barron who was tasked by the Irish Government to investigate the 1972 and 1973 Dublin bombings. According to a Committee of Dail Eireann the government provided “nil” co-operation to this inquiry. In addition, minimal co-operation was provided to Justice Barron’s inquiry into the 1974 Dublin and Monaghan bombings in which 33 people and an unborn child lost their lives. It is in many ways remarkable that a former Supreme Court judge, appointed by the Irish Government, should receive such an appalling lack of co-operation from a neighbouring friendly government while investigating the single worst atrocity of the conflict.

¹⁹ This is a reference to the 1972, 1973 and 1974 bombings.

2. ALLEGATIONS CONCERNING THE USE OF LETHAL FORCE BY THE SECURITY FORCES AND A RESULTANT FAILURE PROPERLY TO INVESTIGATE THESE INCIDENTS

The response to the findings of the European Court of Human Rights in the cases of *Jordan, McKerr, Kelly, Shanaghan, McShane, and Finucane v. United Kingdom* has been very unsatisfactory to date. In the UK Government response to the Committee of Ministers there is mention of the Serious Crime Review Team (SCRT), established to review police investigations into conflict-related killings. At a recent meeting with the SCRT it was confirmed to the PFC that a new unit will in fact be set up in the near future. We are led to understand that this new unit will review all “historic” cases and that mechanisms to provide for a degree of independence will be incorporated into the new structures with specific reference to cases involving security force killings and those where there are allegations of collusion. If this is indeed the case then we would cautiously welcome this development. Concerns remain regarding the SCRT.

- To what degree can an investigation unit that evolves out of present policing arrangements satisfy the international and domestic requirements for an independent investigation?
- To what degree can an investigation unit that evolves out of present policing arrangements gain the confidence of the community?
- When and how will the decision be made that credible allegations of collusion exist which would then trigger the independent oversight of a review?
- How will the team liaise with families, NGOs and legal representatives?

Royal Military Police Investigations

In the course of the Bloody Sunday Inquiry and in PFC correspondence with the MoD it has emerged that an illegal²⁰ agreement existed between the RUC Chief Constable and the British Army GOC in the early 1970s whereby the RUC did not investigate killings attributed to the British Army. Official sources differ on how long this agreement lasted. Evidence to the Bloody Sunday Tribunal from the witness referred to as Inquiry 3 refer to this agreement lasting until November 1972. In a letter to the PFC however, the MoD admit that the period extended until September 1973. This represents either 123 or 154 deaths depending on which source is correct. Regardless of which date applies the situation remains that a large number of “investigation” files contain virtually no information whatsoever. The police failed, quite illegally, to carry out any investigation into a large number of violent deaths. Military police restricted their involvement to taking statements of soldiers for “managerial” purposes only. This is of major concern in respect of any review of files.

It is also in essence the point made at the beginning of our submission; that the failure by the British Government to uphold Article 7 of the Universal Declaration of Human Rights—“All are equal before the law and are entitled without any discrimination to equal protection of the law”—is the single most important explanation for the initiation and perpetuation of violent conflict.

14 February 2005

Witnesses: Mr Paul O'Connor, Director, Pat Finucane Centre, Ms Stephanie English, Pat Finucane Centre, and Mr Alan Brecknell, examined.

Q334 Chairman: Once again, I am very sorry that we have been delayed but thank you all for waiting. As you know, we are looking into reconciliation, coming to terms with the past. We hope to be publishing the first part of our report within the next month or so, assuming that there is going to be a general election in the UK. I very much hope that our successor committee will take up where we have left off because there is no way we will finish a subject as large as this by then. Perhaps we could start by asking you about your work with victims. What help do victims ask for when they make initial contact with your centre?

Mr O'Connor: Generally, as we pointed out in the submission, victims come to us. They are usually trying to put together the lost parts of a jigsaw. For us it is continually a source of surprise how little information they have. We have found that there are a number of reasons for that, which include that if a

son or daughter died (and the majority of victims were, I understand, between 16 and 22) parents did not want to talk about the death out of fear that that would drive their offspring into taking revenge or joining an organisation where they might take revenge, and so it was not talked about in the household. We found that families quite often never attended an inquest, they were not legally represented in an inquest and the siblings of the victim quite often have no information whatsoever about the circumstances of the death and as the generation has passed the brother or sister has come to us and said, “Look; my mother [or brother, sister, father, grandparent] was killed. I know nothing about how or why it happened. Can you help me?”.

Q335 Chairman: And how do you help them? I am not talking about practical things but in terms of dealing with the past.

²⁰ See High Court judgement in the matter of an application by Mary Louise Thompson for Judicial Review, Kerr J, Kera3639T, 28.02.03.

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Mr O'Connor: In terms of dealing with the past, for instance we have just been approached by a family last week who lost their brother in 1973. What we would do in that kind of situation, and I am not going to talk about who that is, is that we would get an authorisation form signed and we would go and look for the inquest documents. That is the first part of the jigsaw puzzle. What we would now do in that situation is contact the Serious Crime Review Team, raise the case and ask that a review be carried out.

Q336 Chairman: Is this the Chief Constable's cold case review?

Mr O'Connor: Yes, but that is concerning cases where there are no allegations concerning collusion or where it has not been a state killing. The Serious Crime Review Team, as we point out in our submission, told us at a meeting last week that they will not be dealing with such cases, so we are not going to approach them on those cases. A new team has been set up to do that. We met the head of the SCRT. Through that we are able to begin to piece together the different parts of the jigsaw and on occasion that might include putting out a public appeal for witnesses to come forward and talking to people within the community. If it happened, say, in Derry city, we might approach people there and ask them if they knew what happened on a particular occasion. We find that that is quite often what people are asking for. They are asking for the facts of what happened in a particular incident.

Q337 Chairman: I know you are based in Derry but are most of your customers, if I can use that word, from that part of the world?

Mr O'Connor: No longer, no. They were for quite a long time and then several years ago Alan Brecknell approached us.

Mr Brecknell: It is five years ago nearly now when I approached the Pat Finucane Centre to try and find out about my father's murder. He was killed in a gun and bomb attack on a bar in Silverbridge in December 1975. Silverbridge is in south Armagh for anyone who is not aware of that. At the time and ever since there have been numerous allegations that there was security force involvement in the attack on the bar where three people were killed. Again, as Paul pointed out, it was something that was not talked about in my household. I was seven at the time, my brother was six and my sister was two days old. My mother did not want any of us growing up and possibly joining any organisations, so it was not something that was talked about an awful lot in our house. I suppose I should also point out that my father was from Birmingham, England, and had come to live here. With the advent of the ceasefire and things starting to normalise to a certain extent, the three families of the people who were involved got together and started to ask questions about what had happened. No-one had ever been convicted so, as I say, I went to the Pat Finucane Centre to find out if there was any way we could progress things and how you would actually go about it because we did not have a clue who the usual people or organisations were that we should be dealing with.

Again, I suppose, coming from south Armagh, there is also a suspicion in going to the police that you do not know who or what you are dealing with. I suppose you have to take the make-up of the area, from your point of view as well, and other Nationalist areas into account, that there is a suspicion about the police. To this day that is still the case. I know we have ourselves in this last number of years met with various police officers and we are moving things forward on that basis as well, but that is where I got involved in the Pat Finucane Centre and that started off with one particular instance. We then met with the investigating officer at the time. He made the comment to us that permutations of the same gang, which was how he put it, were involved in other murders in the area, including the attacks on Dublin and Monaghan and the murders of the Reavey family and the two GAA supporters in south Armagh, and we started to ask more questions about those particular incidents and we have moved out now so that we are dealing with in the region of 60 families in south Armagh and north Armagh and East Tyrone area. It is not specifically Derry city any more.

Q338 Chairman: Do you think that the current official strategy for the victims is addressing the needs which victims themselves see as most important? Do you think the official strategy is right?

Mr O'Connor: No, we do not believe it is. It is very much service oriented at the moment. If people approach us, for instance, they are generally not looking to draw down services. They are usually looking to find out the truth behind a certain incident. It would certainly be our view, and we are not pretending to speak for anyone else except those people that we work with, that their needs are better met through a type of process that deals with the past as opposed to dealing with offering some kind of counselling service, which we think is important but when people approach us they are not looking for counselling; they are looking for the truth. We have found that the best thing that we can do is engage with official bodies and try to get as much information as we can and then provide that information to the families.

Q339 Chairman: You say, focusing on service delivery, what about the issues of trust, truth, justice and acknowledgement? Do you think that the official strategies are in any way seeking to address those?

Mr O'Connor: No, I do not and we do not as a centre. We have referred in our own submission to the fact that we are very concerned about a number of official strategies at the moment. One would be the current government response to the Dublin and Monaghan inquiries. We have brought their reports with us and we are going to leave them with you, that is, the official report of Justice Barron and the report of the Oireachtas Sub-Committee of the Irish Parliament on that report.

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Q340 Chairman: Thank you. That would be very helpful.

Mr O'Connor: We do not think that that has been adequate. We do not think that the current attempt to deal with the Cory Report in terms of the Inquiries Bill is adequate to the task at hand. Curiously, we find—and I am waiting to see if I am going to be contradicted by colleagues—that in individual meetings with police at the moment we often find out more information which is helpful to families than we do in official responses *vis-à-vis* the NIO. Quite often when we write to police officers, and of late that has been through the Serious Crime Review Team (in the past it was through the Divisional Unit) that we are getting more information than we would in some of the more general queries that are put to government. We think that is the way to go.

Q341 Reverend Smyth: Speaking about truth and justice and acknowledgement, what do people mean when they speak of acknowledgement in that context, and who should make this acknowledgement?

Mr O'Connor: We prefaced our own submission by saying that we do not have all the answers and I do not say that lightly. We really do not.

Q342 Chairman: That is one you do not have?

Mr O'Connor: That is certainly one we do not have but what we have argued for is that acknowledgement is different from knowledge. Many people have knowledge about a particular incident and we give the example of the La Mon bombing. There is knowledge about what happened on that particular night, a limited amount of knowledge, but there is no proper acknowledgement. Acknowledgement, we would therefore argue, has to come and should properly come, from those that were responsible, whether that is the IRA, the INLA, Loyalist groups or the state. That is the type of acknowledgement that will eventually lead to recognition.

Q343 Reverend Smyth: You will appreciate that I have a little bit of knowledge about La Mon because I had to identify two lovely young women from their wedding rings, because that was all we had, so I understand the concept. Is the acknowledgement of suffering enough or does acknowledgement need to be extended to wrongdoing, admitting and apologising?

Mr O'Connor: We had a long discussion about this when we were writing the submission. Is an acknowledgement always an apology? We are presuming that it should always be an apology. Simply to acknowledge that something happened is not necessarily based on accepting the wrong that was done and if that was the case it would not be a proper acknowledgement, or it certainly would not be one that would lead to reconciliation and to a more peaceful future. In our view yes, it must entail a full acceptance of what was done, that what happened was wrong, that it should never be repeated. That is an area of transitional justice that

we are particularly interested in, first and foremost *vis-à-vis* the state but clearly it will only work if it applies across the board to all parties.

Q344 Reverend Smyth: Speaking about the state in that context, and you are thinking about the British state and the British Government, how far does compensation count in that acknowledgement and how far has there been emphasis put upon that?

Mr O'Connor: In our experience there has never been a family that came into our office who raised the issue of compensation. We raise the issue of compensation and we think it is a major issue and we believe that most families are embarrassed to talk about it. Families have told us, “Don’t mention this because somebody will think we are after the money”. There is a number of issues surrounding that. I am going to leave a video with you that we have referred to in our submission. It is called *Lifting A Dark Cloud—The Kathleen Thompson Case*, about a mother of six who died in Derry. That family received £84.07 compensation for the loss of their mother. They did not raise it as an issue but I would like to, not specific to that case because I am aware of families of UDR soldiers in county Derry who were awarded a couple of hundred pounds. I know it applies across the board, and it is deeply insulting right across the board.

Q345 Chairman: How long ago was this? £84.07?

Mr O'Connor: She was killed in 1971. The compensation cheque came in 1980. The father tore it up and threw it away. She was a mother and in the type of sexist society at the time a mother did nothing but work in the home and work in the home was not counted as work. That was deeply insulting to that family and that applies right across the board. That is one major issue. I think it is best addressed possibly by referring to reparations as opposed to compensation because you cannot compensate a family for that. There is a second issue within that which causes great concern to us and that is in cases we have dealt with where a family father, for instance, has been killed and the widow and children are denied compensation because the victim, who was shot, had been convicted of a scheduled offence many years beforehand. In the particular case I am thinking about that is very current for us. The scheduled offence was 15 years beforehand and bore no relationship whatsoever to the subsequent murder. We cannot understand why the three children and the mother are denied compensation because of a scheduled offence that happened many years beforehand and we think that is an issue that needs urgently to be addressed.

Reverend Smyth: Thank you for your answer because you have made the point that it goes right across the board and I have experienced that at different levels.

Q346 Mark Tami: If we have a truth recovery process should that seek to uncover the truth about individual events or should it be more of a general practices and patterns process?

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Mr O'Connor: We cannot give the definitive answer to that because to do so would be to take away the right of families to define for themselves what such a process should be. That is one of the biggest problems within this entire question. We cannot come on and say it should be about the institutions and the organisations. We have sometimes considered the idea of a type of commission which could be approached by individual relatives who then say, "We want information about such-and-such an event that led to the death of our sister/brother/husband/mother", whoever it might be, and that that commission would then approach the organisation responsible and attempt to ascertain the truth of that event. We have made the point in our submission that we do not believe that is possible if that process involves naming and shaming, individualising, because no-one will play along with that process.

Q347 Mark Tami: Do you not think that people who are directly affected by that will want to know the truth about their own individual case rather than necessarily the broader picture?

Mr O'Connor: That is what I am saying. I do not think we can rule it in or rule it out. I think it is a process which needs to be left up to the families. I think it is first and foremost the right of families to have the truth and neither we nor the PSNI nor anyone else can determine what shape or form that should take. For instance, we have been looking at these allegations in south Armagh where the PSNI have admitted to a number of bomb and gun attacks that police officers and UDR officers were involved in. They have admitted that to us that officially, but Alan has gone on record on television and stated that he is not interested in a prosecution of the individuals concerned. That is his right to do that. It is not someone else's right to say what is ruled in and what is ruled out. I think that is a very individual process and I think everybody is going to want to know the facts of each case.

Q348 Chairman: It is not quite as simple as that, is it? It may be Mr Brecknell's wish but it is not his right because if evidence comes out which ought to lead to a prosecution there has to be a prosecution. You cannot say, "Yes, we have got evidence that this man murdered that man but we are not going to do anything about it because it is all over now". The law does not work that way. You have put in your submission factual clarification and truth recovery and that such a process might then lead to an opportunity for prosecutions.

Mr O'Connor: Yes.

Q349 Chairman: I would like to know how you square that with your wish that everybody should be frank and open. No-one is going to be frank if it means they are going to go to jail.

Mr O'Connor: I think it is very difficult to square that and the reason we have put it in is that it is the right of others to say, "This is what I want. I want a prosecution", and we, for instance, do not have the right to say they should not demand that but, with

respect, you prefaced your remarks by saying, "No, the law works this way". It should. It is our experience in this jurisdiction that it has not. It is our experience that the evidence is available and has been available in many cases but decisions have been made both at a policing level and within the Department of Prosecutions not to prosecute for other reasons. That is why we talk about transitional justice. We did not live in a normal democratic society. We did not have a rule of law which applied across the board.

Q350 Chairman: You are making two separate points, I quite understand, but hopefully we now do. Hopefully, whatever you were commenting about was a situation that no longer exists in that we have a new beginning in our police forces and a new understanding by all those in authority. If you are seeking in a recovery process like this to get people to tell the truth and to acknowledge offences which will incriminate themselves or others then you would not want the authorities you have been complaining about not to do their duty, would you? You see the point I am trying to make?

Mr O'Connor: Yes, I see the point you are trying to make and I will offer to you variations of that. In the case of Pat Finucane, for instance, the Finucane family have made it quite clear that the recent conviction of Ken Barrett does not satisfy their need for the truth about the events surrounding the murder of Pat Finucane, nor did the conviction of Ken Barrett provide for—and I was there at sentencing and the judge was quite clear that that process did not provide for—any kind of accountability about the events surrounding the murder of Pat Finucane. They did not partake in that entire process, so the criminal justice system is extremely limited in how it can respond. I will give you another example that we mention in our submission, Royal Military Police investigations. We have entered a new era, we have got a new situation, we agree, and we welcome that, but you cannot go back to these investigations in 1970, 1971, 1972 and re-invent the files. There is nothing in the files because they were not investigated by police at the time. The Royal Military Police have given evidence which we refer to where they talk about taking statements from soldiers for managerial purposes only. In the incident I refer to here, where the family received £84.07, the soldier that fired the fatal shot was interviewed for 30 minutes. We have got the interview; we got it from the inquest documents. We cannot re-invent history; that has happened, and so we have to deal with those realities. It is our view that the vast majority of people that we work with do not believe they will get satisfaction or justice through the narrow confines of the criminal justice system and that is why they have for some time fought outside the box and why they are willing to engage in a different type of process that allows for factual truth-telling and then some form of acknowledgement.

Ms English: Talking about prosecutions, we are both coming at it from different points of view and you are coming at it from the point of view where

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you have confidence in the criminal justice system and how it should work. We live in a completely different world and so do the families that we work with, and they have reconciled themselves to the idea that they will never get prosecutions and that maybe that might not help them in terms of closure. I think it is just looking at prosecutions from two completely different viewpoints.

Q351 Mark Tami: Would that in your view mean that you would not have to have prosecutions or public inquiries or whatever? If you saw a truth commission working effectively would that take the need for that process out?

Ms English: For some of the families that we work with their anger is not so much with the individuals who fired the shot. I have been talking with some of the families we work with and the sister of the young man said to me, "The fellow that shot my brother was probably 17 or 18 and he was probably terrified and it was probably the first time he was in Derry". I thought it was a very brave thing for her to say that, but I find her anger and frustration was more at the institutions of the criminal justice system that failed her and not the individual. When our families talk about the prosecutions sometimes they do not just see it in terms of what happened to their brother or mother or father; they do not see it in terms of the individual who fired the shot. Their anger and frustration is directed at the institutions that let them down that should have prosecuted that person at the time, given the information that they had surrounding the death.

Q352 Mark Tami: Why is it important to explore the underlying causes of the conflict?

Mr O'Connor: There is any number of reasons. For a start I think we have learned from experience in other areas that it is not healthy simply to bury the past and pretend it did not happen. We would never turn round to victims of sexual abuse and say, "Look: draw a line in the sand. Forget it and move on". There is a lot of hurt out there. It is shared right across many communities and throughout this island and Britain. It has not adequately been dealt with. The criminal justice system is not the mechanism in most cases to deal with it. The people we work with do not have faith in it. Other people also have serious problems with it. It is unhealthy simply to say, "We will just move on". It is our belief, and we have put it in the submission, that the only way to face up to what has happened in the last 30-plus years, which involved a complete and absolute breakdown in human relations, which involved the most terrible things being done by ordinary people, is for everybody to sit down and acknowledge what happened. That in itself may not lead to reconciliation in the short term but it is our belief that in the long term it is absolutely vital.

Q353 Mr Pound: About three months ago the Inquiries Bill was introduced in the Upper House. Do you think that this will make future inquiries more or less effective?

Mr O'Connor: I think it will make future inquiries less effective.

Q354 Mr Pound: Can you say why?

Mr O'Connor: Because I think it has fundamentally removed the right from Parliament and given it to ministers and I think that is a very dangerous thing to do in a democracy. It does not just affect us. It affects any future inquiries in Britain in terms of Parliament's ability to decide on matters of urgent public concern that should be inquired into. We face a very real danger, particularly if we look at the immediate case of Pat Finucane, which this Inquiries Bill seems to be a response to. Two things are apparent from our perspective. One is that the government has not kept the promise that it made at Weston Park and, secondly, you run a very real danger, if this Inquiries Bill goes through as is, that you will have an inquiry into the murder of Pat Finucane which will not involve the only witnesses to the murder, in other words Pat Finucane's family. They will not co-operate with it. Geraldine Finucane has made that quite clear. What kind of scenario do we then face? Will they be subpoenaed? Will they be fined or sent to jail? It is a bizarre scenario and it is a concern that is not just expressed by a small NGO like ourselves or by the family but also by the Law Society of England and Wales, the New York Bar Association, the Human Rights Committee of your own Parliament and many people are very concerned that this Bill sets a very dangerous precedent.

Q355 Mr Pound: Do you have any specific comments to make for the record on the proposal that hearings will be held in private?

Mr O'Connor: I will quote for one minute Michael Finucane, the son of Pat, who mentioned recently that everyone accepts that there are certain matters that may on occasion need to be aired in an inquiry in private, but the danger with the Inquiries Bill is who should determine that, how much would be in private, the ability of the minister then also to determine what should ever become public, including the findings. Particularly when we are looking at the area of involvement of the security services in such a murder and I do not think there can be any matter of more serious public concern in any society than the allegation that a state has death squads. If that is not something that can be inquired into in as public a manner as possible then the suspicion will remain, particularly in this society, that the British Government has something to hide in this case.

Q356 Chairman: Can I just interrupt for a moment? The question of public or private is a very difficult one. It is one this committee had to grapple with at the start of this inquiry. There was an initial feeling that we ought to hold all these hearings in public and then we realised that we were going to be talking to victims, some of whom are still traumatised, and we were going to be talking to groups—and I am not pointing a finger at any particular group, especially not you—who would want to use it as a platform

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because, of course, our public hearings are televised, and we came to the conclusion that the right thing to do was to hold our inquiry in public but to undertake to publish all of the evidence that we had heard as a sort of compromise. If there was that sort of arrangement in any inquiry into the death of Mr Finucane do you think you would be happier with that knowing that all the evidence would be published?

Mr O'Connor: I think that would go some way down the road to satisfying the need for scrutiny.

Q357 Chairman: I am just asking because it is a problem we wrestled with ourselves.

Mr O'Connor: I accept that. That is clearly not the case with the Inquiries Bill.

Q358 Chairman: that is why I am putting the point. This is not the government; this is Parliament. There is a difference.

Mr O'Connor: I suppose I should also make the point that it would also be wrong for me to seek to offer the definitive view of the Finucane family. Only they can do that.

Q359 Mr Pound: I want to ask about your perception of the efficacy of the criminal justice system but I rather suspect that you have answered that pretty thoroughly earlier on.

Mr O'Connor: Could we make one point about it though?

Q360 Mr Pound: I was giving you the opportunity.

Mr O'Connor: I am not pointing the finger at any individual but over the years there has been much discussion of the role of the then RUC or the British Army and its relationship with the Nationalist community and so on. Any truth recovery process of course should also involve the role of the office of the Director of Public Prosecutions.

Q361 Mr Pound: Last month Stephanie English wrote a letter, which you very kindly gave us a copy of, to Angela Smith, in which she expressed fairly trenchant views. One of the points you make in that is that the British Government "cannot position itself as a neutral broker". You then go on to suggest that there should be an international perspective when it comes to facilitating and being the honest broker. Could you for the record give us some indication of what that international agency would be for preference?

Mr O'Connor: We do not think there is one body. The Patten Commission, for instance, was not made up of one body. There was a trawl made internationally to find people of international standing and respect who could carry out such an exercise of consultation and who would be involved in the process of truth recovery that would emerge from that, whatever that might be. We could obviously suggest individuals that we think would be highly suitable also to take on the task, people that would be involved in the international human rights community. That would be our view. There would be other views about who should be involved in that.

We met ourselves with the entire Patten Commission and the one thing that we found useful at that time was that it was an international body. It was also people from Britain and Ireland. That was the reason why that body was successful. Clearly it was not successful from a Unionist perspective in terms of policing but we would point out that there are other international bodies that have been appointed that would not necessarily be widely welcomed within the Nationalist community but they are international in nature, the Independent Monitoring Commission, for instance. We do think that is the way to go, to have an international body overtake that consultation. It has not happened to date although we welcome the fact that your committee is addressing these issues, and of course you have addressed the issue of privacy within your own hearings but for the majority of families that we work with this would still be too formidable a body for them to want to meet and talk to. They would need one where it is not just confidential in terms of the hearings but that their evidence is never published.

Q362 Mr Pound: Taking your point about individuals rather than institutions and bearing in mind that there is a limited number of retired American senators and former Canadian Army generals available, do you think there is any individual who would be acceptable to every section of the community?

Mr O'Connor: To lead such a commission?

Q363 Mr Pound: Yes.

Mr O'Connor: I think there are individuals who are neither British nor Irish. I think it will need British and Irish involvement, as did, for instance, the Patten Commission. I think there are individuals out there of international stature who could take on such a role. I hesitate to begin to—

Q364 Mr Pound: I am not trying to ask you to come up with a short list.

Mr O'Connor: Yes, but I do think those individuals are out there. There is clearly not yet agreement on whether such a process is useful. I recently talked to someone from the Disabled Police Officers' Association who said to me, "Yes, but is that not just going to be a witch hunt?", and if there is a perception that it is a witch hunt then it will not work. That is why it has to apply across the board. There are issues within it that we have clearly not got the answers to and we are sitting in front of your committee today. One of the questions is that you have asked us about prosecutions. We do not regard the prosecution and criminal justice system as a response to the majority of killings that have happened during the last 30 years simply because the evidence is no longer there. It is virtually impossible to begin to re-investigate, for instance, a killing that happened 30 years ago, especially if there is very little there in the first place in terms of the original files, but if you had asked us the hard question, which we thought you might but you did not so I will put it to myself and I will answer it for you,—

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Q365 Mr Pound: We have not finished yet.

Mr O'Connor:—which is, what is the cut-off point, we do not know what the cut-off point is because clearly it is not sufficient to turn round and say that those who are involved in a recent murder—Rosemary Nelson, for instance, was a close colleague and friend of ours. I would not say it is enough for those who killed Rosemary to simply stand up and say, “I did it. I am sorry”. I do not know where the cut-off point is. Clearly, the further back we go the more difficult it is. We say that not simply from the point of observing this but we have for some strange reason over the last couple of years been involved in quite a number of meetings with the police. We see files, we talk to them, we see reports, we know the difficulties of looking at things that happened many years ago and in terms of people’s memories and the evidential difficulties are enormous. We have seen that in the Bloody Sunday inquiry.

Mr Brecknell: Another point I would like to make from the family’s point of view, especially talking about things that happened in the early and middle seventies, is that I cannot see my family gaining anything from seeing a 60- or 70-year-old man going to jail for 25 years for this. It is not going to do my family any good. It is not going to do society any good at this stage and that is why I have gone on record as saying that to me prosecution is not the way forward. That is a personal opinion.

Q366 Chairman: We have all got our views about this and that is very interesting. I would like to come back to Mr O'Connor because I was trying to put that question in other words when I talked to you about not being able as it were to manoeuvre the justice system according to individual wishes. You say you can see no point in a 60- or 70-year-old man being convicted and going to jail if the evidence were to appear. I guess the man (whose name escapes me) who dumped his wife at the bottom of Lake Windermere 35 years ago thought that this was not going to happen but surely, if you are to have your faith, which you say has gone, restored in the criminal justice system, he has got to be handed over and when evidence is brought forward, from wherever it comes, upon which it would be safe to hold a trial and a conviction then the criminal justice system would be wrong if it said, “Hang on. Mr Brecknell does not want that”. You cannot have a criminal justice system which operates in that way. Would you agree with that?

Mr O'Connor: I think in the future we cannot have that. I think we have had it for 30 years. That has brought us to the position we are in. We have argued in our submission, perhaps controversially, that one of our main explanations for conflict here was in particular the failure of the criminal justice system at the outset of the Troubles to apply the rule of law equally. One of the cases that we were involved in, fighting a different type of resolution to, was the case of Sammy Devenny in Derry who was regarded as probably the first fatality of the Troubles. We reached a form of closure on that case with the family that did not involve any convictions or any

prosecutions. There is a myriad of problems surrounding that. One is, what do you do if there is nothing in the files? What do you do if those who were charged with gathering the evidence did not gather the evidence? What do you do in those cases where, for instance,—and I have talked already about the difficulty surrounding Royal Military Police investigations—this illegal agreement existed from 1970 to 1972 or 1973? In a case, for instance, where a soldier shot a young boy either in a riot situation or where it said that there was no riot situation, that soldier’s defence depends simply upon his assertion that he thought his life was in danger. We may now believe that that was not the case but is the Director of Public Prosecutions going to bring a case against soldier B who shot someone dead, Kathleen Thompson, 30 years ago on the basis that he has got to disprove what the soldier said? It is simply not going to happen.

Q367 Chairman: No, I understand that.

Mr O'Connor: Therefore, we are accepting the reality of the situation and—and this is more pertinent—we are reflecting what has been said to us by families. They will not be represented in that kind of process.

Q368 Chairman: We are not at odds over this at all, but what would come out of an attempt to get all of the truth out would be some more evidence. When there is no further evidence and something happened 30 years ago clearly there is no prosecution, but when somebody comes out in the way that some people want it to happen, and says, “Yes, I was not prepared to talk at the time because I was too frightened or because I did not trust the system or I would not go to the police but now I am prepared to say yes, it was Mr Beggs who did that and here is the evidence that proves it”, that is when you run into huge difficulties, is it not?

Mr O'Connor: I think we run into huge difficulties unless we basically begin to grasp that nettle and that does mean dealing with the possibility of an amnesty in return for a truth recovery process.

Q369 Chairman: What is your view about amnesty?

Mr O'Connor: We have stated in the document that we do not reject the idea of an amnesty in return for a genuine truth recovery process where people can step forward and engage in that process.

Q370 Chairman: What do you do, to use one of your examples, about the Rosemary Nelson case?

Mr O'Connor: I have stated already that we do not know where the clear cut-off point is. We clearly do not and never would seek to suggest that in many recent murders it would be in any way serving the purposes of justice towards the families of the victims to suggest that an amnesty should apply in those cases. We have anticipated this and our answer remains the same: we have not got a magic formula but clearly, the further removed the incident, the death, the more unrealistic the possibility of prosecution, and in those cases if the family are approaching us for information and we think that

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we are more likely to get the facts in return for accepting that there will be no prosecution, then that is the road we will go down and we are actively going down that road.

Q371 Chairman: Please understand that I am not trying to put questions critically because we are very grateful for your submission. Yes, it is controversial, but it is detailed and well argued whether we agree with it or not. What is going to happen then is that if somebody, and let us pass over who the "somebody" would be, decides that there will be a cut-off date, let us say for the sake of argument it is 1985, then you are going to get all sorts of things coming out from before that period and nothing afterwards, and that means there is going to be one set of relatives and all the rest who will get the answers to their questions and one who will not. Whatever you do it is a judgment of Solomon, is it not?

Mr O'Connor: Yes. Once again I want to be careful to make clear that we are not suggesting the blueprint for this. We have not got the answer. What we have discussed among ourselves and with relatives on occasion is that if one of the problems with the South African Commission is the perception that it was perpetrator-led, in other words, they made decisions, came forward and received an amnesty, is there a possibility of trying to consider and design a process which is victim-led in that they make the decision to forgo their right to a prosecution in return for a truth process involving their actual case, that they lead that process? You have to understand from our perspective that the vast majority of the people we work with do not ever expect to see a prosecution. They do not trust the agencies that would bring one, they do not trust the agencies that would gather the evidence, and therefore they are willing to go down that route.

Q372 Chairman: It is a very interesting debate and I am very glad that we have had it. I do not think I should pursue it any further at the moment.

Ms English: Over the past year the families that we work with have come to the decision that they have about prosecutions mainly as a result of the *McKerr* judgment in the House of Lords, where they say, because the state were not obliged to re-investigate killings before that particular date, is there any chance of there being a prosecution? In other words, even if they were to re-investigate the murder there would be no prosecution in the light of that decision.

Q373 Mr Campbell: At the outset when you were describing the background to the Pat Finucane Centre you said that initially, geographically, if you like, you were involved principally around the Londonderry area but now you have spread out and Mr Brecknell's involvement is an example of that. You have referred several times to the people that you work with and what they think of the criminal justice system. Can you give the committee roughly speaking the nature of the people that you work with? In an earlier answer you talked about people who were the victims of paramilitary violence,

whether Loyalist or Republican, and what you called state violence. How would that break down in terms of the people that you work with?

Mr O'Connor: I think at the outset of our submission we said that the group that we work with would largely be victims of state violence or Loyalist violence. We think it would be wrong for us to seek to portray ourselves as cross-community in the sense that anybody would feel free to approach us. Clearly we are a group that works with the victims of state and Loyalist violence.

Q374 Mr Campbell: That is helpful for anybody who did not know that. On the issue of this whole truth process, given the groups that you work with and the very politicised view that you are quite entitled to hold and have given to us today and in the presentation, if you are of a mind, as you appear to be, that prosecutions are not the answer and the criminal justice system is not the answer in getting to what you term the truth, whatever that might be, do you not find that there are people who are concerned about how you will arrive at that truth process and what the truth will be if it is not a through a criminal justice system, if it is not through prosecutions? What is arriving at the truth?

Mr O'Connor: For a start the truth for many families that we work with is the actual details and facts of circumstances surrounding a particular death. That is the type of question that we are used to asking of the authorities. How many shots were fired? What kind of guns were used? When were the police first contacted? Was the scene sealed off? For how long? Families want to know that because in the past they generally had no interaction whatsoever with the authorities. A family has approached us within the last 10 days. I briefly referred to them earlier. They lost their brother in 1973. From the night of the death they had no further contact with any authorities, none whatsoever. They were not at the inquest. It is only recently that families have had the right to be legally represented at inquests, so many families never went to an inquest. They did not know they were going on. We get the inquest papers, also the fine detail that people want to find out. In terms of what is the truth for them then, it depends obviously on each individual case. What we find and what we are trying to explore these days is the idea that, for instance, there would clearly be within the Nationalist community great suspicion in the past of policing structures. We wonder to ourselves if it might not be better in many cases, if it was a direct state killing, if it was the PSNI (with adequate independent mechanisms, and the Serious Crime Review Team have told us that there would be mechanisms built into any new investigation to include that international and domestic need for independence) who were involved in a re-investigation and were delivering the facts to the family. The reason we say that is because in the past that would have met with massive distrust among the people that we work with. We think more and more that that might have value in itself because, as we said in our submission, that sense of the whole exercise of gathering the truth and delivering the

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facts and what happened in an individual case has been done by an agency which has evolved out of another agency that in the past they did not trust, and that could be a useful exercise. If a family feels that the police did not do an investigation in the first place perhaps it is better if it is the police that the family are now sitting down with and they are saying, "Okay, we have reviewed the file. These are the circumstances of the death. This is what did happen. This is what did not happen. That was right. That was wrong. That should not have happened.", in other words if that is being delivered by the police themselves. When it comes to certain cases there has to be a very strong element of independence built into that and we think that can happen but we think that in itself can have value.

Q375 Mr Campbell: Can I explore this issue of the truth a bit further? You have been very clear on the need to try and ensure there is as much independence and international safeguards as possible, whichever way you wish to describe it, in terms of how the truth process would be overseen and delivered for the people you work with. Do you accept that if that were a route that the government were to proceed down, the people on the state side, as you might describe it, would be more easily responsible in terms of answering questions and being pursued and attempting to establish the veracity of what happened, whether it is RNPs, whether it is the police, the army, the coroner, the court service, than for example the paramilitaries who might well just put two fingers up to the truth process? Is there an acceptance that whatever mechanism is used to arrive at this truth recovery it is going to have to take account of the very lob-sided approach that the state forces, whatever they are, are going to be more amenable in terms of how they can be brought before the truth process than others who can put two fingers up to it?

Mr O'Connor: I do not think at the moment there is any one of the groups that has been involved in the conflict, whether it is the IRA, the INLA, Loyalist groups or the state which is exactly jumping forward and saying, "I will take part in that. I am anxious to tell the story of what actually happened". I do not think anybody is.

Q376 Mr Campbell: I am talking about the concept of it having been established, if it were to be established and then these various groups were expected to give evidence.

Mr O'Connor: If it was established and it did not involve everyone then it would not work. I am going to presume to short-cut or interpret your question. If you have a truth recovery process that, for instance, does not involve the IRA it will not work.

Q377 Chairman: So everybody has to sign up to this before we start?

Mr O'Connor: Absolutely. That does not just involve, for instance, those attacks that were carried out against whoever is perceived to have been the other community or the state. There is, for instance, a massive issue within communities, and that is an

interesting discussion through the Ardoyne Commemoration Project, about the memory and history and truth of those incidents surrounding, for instance, people who were alleged to have been informers and where those families are within communities.

Q378 Mr Campbell: I was not even wanting to establish that a group, for example, the IRA or any other paramilitary group, would put two fingers up to the truth recovery process by not participating, but even if there was participation is there an acceptance by your group that there would be much less of an incentive, even if people say they are prepared to participate, for them to be honest and absolutely clear and unequivocal about their participation on the part of paramilitary groups than there is on the part of those who are involved either in the policy or the army?

Mr O'Connor: I do not believe that the paramilitary groups would feel less inclined to participate than the state for the simple reason that I do not see at the moment evidence that the state is willing to participate. My understanding, for instance, of the Bloody Sunday inquiry, and I am sure we differ on that, is one of obfuscation and delay on behalf of the state about events surrounding Pat Finucane's murder. I have not seen the security services willing to participate in that process. I do not see any of the main players exactly showing a willingness to do that. We need to create a situation where people feel that they will get involved in that process. I think it is also time for groups like our own to feel that everybody must be involved in it and that includes paramilitary groups.

Q379 Mr Campbell: Chairman, I do not know if we are going to get any further answer to this. It was the Bloody Sunday inquiry that I was alluding to and the fact that, however unsatisfactory and costly and prolonged that has been, there has been a sustained level of information coming out from the army side in respect of that. There has been nil from the IRA and it was that factor that I was trying to pencil into the equation of truth recovery. Would we not be getting a Bloody Sunday Mark II in that, however complicated it may be, however costly it may be, there would be forthcoming from one side a whole series of protracted explanations about what happened and not much from the other?

Mr O'Connor: I think we have to agree to differ on the level of co-operation that the Bloody Sunday inquiry received from the Ministry of Defence, seriously.

Q380 Chairman: But I think you would probably agree it was greater than that from the IRA.

Mr O'Connor: I think that the IRA did not shoot the people who died on Bloody Sunday; the Parachute Regiment did, and I did not see that level of co-operation from the Ministry of Defence, but I do not think it is a discussion we can usefully continue today.

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Q381 Chairman: I agree, but it is one of the serious points we have to consider, and I do not quite know, and maybe you can help us, how one could get an undertaking, not just from the IRA but particularly from the IRA and from all the paramilitaries, that they would co-operate with any such inquiry. Can you see a way of achieving that because without that frankly it is pointless, is it not?

Mr O'Connor: Yes. I have agreed. We have been very clear that it is pointless unless you have got the involvement of everyone. I would not underestimate the pressure that would come from within certain constituent communities to take part in such a process, if such a process was genuine and involved all sides, because there is widespread agreement that the past, whichever way it is done, is not simply going to go away. I think there would be considerable internal pressure and I think that people, for their own political reasons about how they view themselves 20 or 30 years down the line and how they see their own participation in various institutions, will see the need to participate. Clearly we are coming out with a different perspective from yourself in that we do not believe that the state to date has shown a great willingness to participate in any kind of truth recovery exercise, whether that be in an official inquiry or through a different type of mechanism.

Q382 Chairman: If we were to conclude, and I am choosing my words very carefully, that there was some move forward, I think that would be quite a push for the government today. Let me just ask you two final questions. First of all, you said in your submission, and you have repeated it today, that this must be an international body and there are few who would differ from that, but then you prayed in aid Patten as an international body. What would you say to an international body that was chaired by someone from the United Kingdom? The difficulties of putting a foreign person in charge of it would be a very difficult matter for any government, let us put it that way. Would you be prepared to accept an international body which had a "United Kingdom Chairman" such as Patten was of that one?

Mr O'Connor: It is not a question I have ever discussed. I would not personally be opposed to that. For years we have been working with various people in Parliament and so on and we certainly recognise that there are people out there who have got a certain stature and who would be acceptable.

Q383 Chairman: The second question is a very brief one. You wrote to Angela Smith on 13 January. Have you had a reply?

Mr O'Connor: We have just received one which we can forward to you.

Q384 Chairman: You have had a substantive reply?

Ms English: We had a reply but—

Mr O'Connor: We have not had a substantive reply.

Q385 Chairman: You have just had an acknowledgement?

Mr O'Connor: No; we have had a reply. I would not regard it as substantive.

Q386 Chairman: It did not answer the questions?

Mr O'Connor: No.

Q387 Chairman: I would be very grateful if you would furnish us with a copy.

Mr O'Connor: Can I make one closing comment?

We refer in our submission, and I think people may not be aware of it, to terminology and where different people are coming from. It is a point we make in the submission but I think it needs reiterating, for instance on the issue of whether someone was murdered. Officially in the last 35 years I believe only three people have officially been murdered by either the RUC or the army because in our correspondence with the PSNI they have confirmed to us that they only regard a case as murder if it has led to a conviction if it involved soldiers or police. We therefore have a minuscule number of convictions. In those cases the soldiers have been released and, as we have made the point, two of them are back in the British Army at the moment, which is a source of grave disquiet here. It may seem like a minor point to others but for those families they are not even allowed to say that their 11-year-old son or nine-year-old son, killed by a plastic bullet, was murdered; they are not allowed to put a death notice in the paper 10 years later and say "murdered". That is where you start to get a sense of where we are coming from and the families that we work with. It is not just a matter of terminology; it is also a matter of trying to accept that all loss was equal, which it is not at the moment from their perspective.

Q388 Chairman: What you are saying is that everybody's loss is equal because they have lost the life of a loved one or a relative.

Mr O'Connor: Yes.

Q389 Chairman: There is no difference in what the loss is.

Mr O'Connor: No, but if your relative was killed by the IRA or by a paramilitary loyalist group you can say they were murdered. If your relative had been shot dead by the military or the police in the last 33 years and that did not lead to a conviction you cannot even say they were murdered.

Chairman: I have got the point. Thank you very much, the three of you. It has been a very helpful session. Thank you for being so frank with us.

Witnesses: Mr John Clarke, Head of Victims Unit, Mr Edward Godfrey, Deputy Head of Victims Unit, OFMDFM, and Ms Joy Peden, Head of the Disability and Mental Health Branch, DHSSPS, examined.

Q390 Chairman: I do not need to go through the preliminaries. You know what we are about. We want to talk about the work of the Victims Unit. Perhaps you would start by telling us what it does to help victims to deal with their past.

Mr Clarke: It is monitoring the existing victim strategy which was published in 2002, "Reshape, Rebuild, Achieve". We are responsible also for managing the victims and survivors groups' core funding scheme and the development grant scheme for victims. The development grant scheme is usually called the small grant scheme and that relates to project work. We manage the strategy implementation fund and that is essentially used to promote victims work amongst other government departments. We are responsible for managing the victims measure Peace II. We work with Trauma Advisory Panels. We can go into detail on all these things later if you wish. We have been doing some work with churches and faith communities principally in creating a resource to support clergy and faith workers in working with victims and survivors. We work with self-help groups, victims groups, and again we can go into that in more detail later. We are also, last but not least, heavily involved in the next phase of victims policy, essentially those elements relating to service provision.

Q391 Chairman: What effect has the suspension of the devolved administration had on your ability to co-ordinate the effective delivery of services?

Mr Clarke: Essentially it is not a major impact. It is to some extent a deficit but our relationships with all the other Northern Ireland departments are such that we have working relationships at that level. Obviously, the ministerial responsibility does make a difference there.

Q392 Chairman: In that it is a British minister, not a Northern Ireland minister?

Mr Clarke: I think it is more to do with ministerial responsibility within each area. We are working at official level and officials think the ministerial lead in the other department has potential advantages in terms of getting progress.

Q393 Chairman: What, from the Northern Ireland Office rather than the Assembly? Are you telling me you are getting on better since it was suspended?

Mr Clarke: No, I am not. I think I am fundamentally saying that as far as we are concerned it does not make a huge difference. I think that individual ministerial responsibility might help.

Q394 Mark Tami: How do you define "victim"?

Mr Clarke: There is a form of words on "victim" which is intended to be a very inclusive form of words. Are you aware of it? I will read it but the basic thing is that it is intended to be inclusive. The definition of "victim" which is included in the existing victim strategy "Reshape, Rebuild, Achieve", states that "victim" relates to the surviving physically and psychologically injured of violent conflict-related incidents and those close

relatives or partners who care for them, along with those close relatives or partners who mourn their dead. It is a convoluted form of words but it is intended to be inclusive.

Q395 Mark Tami: That could include and has included prisoners?

Mr Clarke: It says all those who have suffered fundamentally.

Q396 Mark Tami: So how do you see an issue with victims feeling that they are being lumped together with possibly the perpetrators of those acts?

Mr Clarke: We have been very much aware that that is a view. In our work with victims groups that is fairly consistently stated, that there is a difference between those they view as innocent victims and those that they would regard as perpetrators. That is an issue we have to handle. The policy is to be inclusive in that regard.

Q397 Mark Tami: How much acceptance is there from victims?

Mr Clarke: You are asking me how much acceptance there is from the groups. I would say that there is a fairly high degree of non-acceptance in a number of the groups that I deal with. They have difficulty, as you say, in being lumped together with people that they feel are perpetrators. That is the problem within Northern Ireland, that people feel that way. The definition is inclusive and the policy is inclusive.

Q398 Reverend Smyth: It has been suggested that the victims work is over-politicised. You have been freed from the Assembly's questions and answers. Do you believe it is over-politicised?

Mr Clarke: From what we have just been talking about the political aspects are drawn in. You are probably right to say that because of the suspension of the Assembly the questions do not arise so frequently but we are still very conscious of the fact that this is a political area and there are political sensitivities around and about it.

Q399 Reverend Smyth: At the same time most of the victims groups as far as we can assess say they are non-sectarian and inclusive. We suspect rather that they represent one side of the community.

Mr Clarke: I would say that for the vast majority of victims groups that I have spoken directly with, although I cannot say absolutely every single one, I am impressed by their desire to be inclusive but the point that has been put to all of us is that where they are sometimes physically located makes it impossible in reality for them to be inclusive, though I have to say that Edward and myself are quite impressed by the desire of people to become inclusive but they recognise that there are problems for them.

Q400 Reverend Smyth: Do you see them much on the ground or do they come to you?

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Mr Clarke: I have been in my present post for about a year now but I have made a point of going to see them as much as possible. I do not think I have had any dealings in the office with victims groups. I go to see them. I think it is important to do that.

Q401 Reverend Smyth: It is always good to walk the shop floor.

Mr Clarke: Yes.

Q402 Reverend Smyth: You recognise where they are, that they are individuals in the local areas. Do you encourage them to try and develop cross-community work and is there any evidence of that happening?

Mr Clarke: I think there has to be a realisation of where people are coming from and being sensitive to what they are feeling. Yes, we would like to encourage that. The funding streams that we are involved in do not in themselves put any onus on them to become inclusive, but that again is a recognition of reality to some extent. You will appreciate that it is difficult for me to talk about future policy with where we are at the moment, but one of the things that already exists is the Trauma Advisory Panels which do allow for a coming together. The Trauma Advisory Panels exist in each Health and Social Services Board area and they create a forum and that can mean some coming together of people. A personal view of mine is to create the circumstances in which people can do that but saying that everyone should co-operate with everyone is more difficult coming from where they come from.

Q403 Reverend Smyth: Sometimes, listening from outside, they are very cross-community, really cross!, because they do not feel they are getting the proper funding, that there is a tendency to do it for political motives rather than providing funding to those who are delivering the services.

Mr Clarke: On the funding that we are responsible for, it does not have any inherent requirement that they have to be doing cross-community work. A lot of the work with victims groups is along the lines of capacity building and confidence building within the community, but certainly our funding streams do not require a cross-community element.

Q404 Reverend Smyth: I understand that. Do your schemes take into account the most effective services being provided on the ground or is it just given according to the request from the groups?

Mr Clarke: The funding is provided by us but the actual allocations for resources to the individual groups are provided by intermediary funding bodies which are the ones that we are dealing with when it is essentially in relation to core funding and for the development grant scheme it is the Community Relations Council. It is not just allocated. It is not literally given to them. The expenditure is monitored and verified and so on. I think there is something of a concern about what is the best possible use of resources but that is a slightly different question. The expenditure is

certainly monitored and verified. It is not done in a haphazard way, I would not want to imply that, but there may be a question in terms of whether it is targeted in the best way. It is in response to an application.

Q405 Chairman: You say that you have consulted victims groups and you have been to see them and they have come to see you. What about individual victims who are not part of any groups? Have you had any approaches from them or have you made any approaches to them?

Mr Clarke: That is a very relevant area. I have had some contact with individual victims because within the department it is very difficult for me to reach out and identify individual victims. In the course of my work it has been the case, I have to admit, that events are run by victims groups. I have tried to make contact with some of the membership as opposed to the leadership but I have very limited contact with individual victims. The opportunities are a bit difficult where I am coming from. I have spoken to one or two people who happen to have come to us.

Q406 Chairman: Is that the experience of the rest of the team?

Mr Godfrey: Yes, it was. We visited one group, MAST in Kilkeel, and after the meeting we did try and have a chat with the individuals making up the groups.

Mr Clarke: We tried to get to the people at the back of the room and so on.

Q407 Chairman: But you have not approached or been approached by anybody who is not part of any group?

Mr Clarke: I have been approached by a couple of people but it has been about a specific issue.

Q408 Mr Luke: What is the total allocation of funding available through yourselves to voluntary organisations who work with victims and their families?

Mr Godfrey: With regard to core funding the overall amount available to groups was £3.5 million. That was what was available; it was not what was spent, and that is the main one, keeping the groups going, their administration costs.

Mr Clarke: That was over two years.

Mr Godfrey: We are continuing that. The minister agreed that there would be another year of core funding and then we will see once the new strategy beds in and moves on. There is funding available and it has been mentioned through Peace II funding, some £6.1 million available to the victims measure, and on that one there are now negotiations under way to look at the continuation of that funding from 2004 to 2006. That has not been confirmed up to the minute but I think it is fairly sure. I think those are the main ones. We have then some funding within our own department, the victims programme funding we call it, and that really is used for keeping the Trauma

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Advisory Panels going in each of the Health and Social Services Boards. That costs roughly £350,000 a year.

Q409 Mr Luke: Going back to the core funding figure of £3.5 million over two years, you say that not all of that was spent. How much was spent and how much was left?

Mr Godfrey: £3.2 million was spent.

Q410 Mr Luke: What criteria are used to determine which organisations will receive funding? Is that done through the Community Relations Council?

Mr Clarke: Yes, they are the intermediary funding body. That makes it more independent.

Q411 Mr Luke: And you are happy that the victims groups that apply are aware of the criteria?

Mr Clarke: They are aware of the criteria. When the new funding scheme comes in they will have to be entered for new intermediate funding, but all of the groups we have spoken to have been happy with the operation of the scheme. They do know the criteria. They get a little bit more than the criteria out of the intermediate funding body in terms of advice and so on.

Q412 Mr Luke: I know you are in this transitional stage as well. Evidence we have had suggests that the failure to commit to the long term funding of victims organisations means that they are unable to effectively plan the delivery of their services and retain key staff. Do you agree that is a problem and are there any plans to change the funding rules to overcome these difficulties in going through this transition period?

Mr Clarke: I do recognise the problem and it has been put to me many times, and that is perfectly understandable when people are recruiting staff and so on. With the new phase of policy coming along part of that will be in funding. At this stage I would say that we recognise that. That is probably one of the most forcible issues that has been put to us, to find a way round that. The core funding scheme that we are talking about only lasting two years—for a planning horizon that causes problems; we recognise that.

Q413 Mr Pound: It was about a year ago that you published a progress report of the strategy document “Reshape, Rebuild, Achieve”. Where are you with it now?

Mr Clarke: With the existing one the vast majority of the objectives were met. Are you talking about the next phase of strategy? There are some still to be completed on that and we will be reporting on that this year.

Q414 Mr Pound: You started a consultation programme and I think you said that you were slightly concerned by the low level of responses to that and you published a progress report on the review of the strategy document. I am sorry: I am beginning to lose myself in reviews of strategies here, so I can only imagine how you must feel.

Mr Clarke: Yes!

Q415 Mr Pound: And I had a horrible suspicion that something was going to be rolled out in 2005. How close to roll-out are you?

Mr Clarke: Are you saying in continuation of the strategy?

Q416 Mr Pound: Yes.

Mr Clarke: Again, the rolling forward of the strategy is the next phase of policy and I am a bit constrained on the timing of that. We hope to bring it in.

Q417 Mr Pound: How have people been responding to the strategy document? Can you give us an update on the general level of response to the consultation?

Mr Clarke: Are you talking about the consultation on the next phase which has been running for some time?

Q418 Mr Pound: Yes. It has been running, I think, for three years.

Mr Clarke: This is perhaps what you are referring to, where Angela Smith has been involved in a series of workshops and she has gone to some lengths to meet as many people as possible in the victims sector and she has also met with experts in the field and so on. There is a fairly strong feeling that people have been consulted quite extensively about a range of things. People have a strong desire to become involved. People felt that they were being consulted too often. There is an area of that in there, but the outcome of all of that consultation that has taken place was summarised in November last year and that was published and issued to all the victims groups and there is a very wide range of issues. Amongst those issues are the things recorded in the document, that there was some feeling that there was a consultation overload now happening. People were sometimes feeling that it was not worthwhile to respond to all of this consultation and they could not see things happening quickly enough.

Q419 Mr Pound: How do you characterise the impact of the original 2002 strategy document?

Mr Clarke: I could only characterise it by saying that the majority of the objectives were met. Our role is probably more of a co-ordination role, which is something we need to clarify in the future. The actions of individual departments and the fact that such a vast range of activity was carried forward is a significant achievement. More needs to be done and that is the next phase of the strategy.

Q420 Mr Pound: Finally, could you clarify for me the balance between the consultation with the victims that has been undertaken by Angela Smith that you referred to and the consultation with victims and their representatives that you are involved in? Is that part of the same process?

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Mr Clarke: It is all part of the same process. Angela has been involved in a series of workshops and we are involved in submissions also in that. For what it is worth, I do find, and this is not meant to be critical of anyone, that the same issues are arising and having to be inspected so that the work I have been doing with groups mirrors the same issues, so they are complementary in a sense.

Q421 Mr Beggs: Do you think that a victim-centred approach to reconciliation and dealing with the past is necessary?

Mr Clarke: In general in dealing with the past I have to say, with respect, that that is an area that is outside my official responsibility. I am not sure whether I can progress that terribly far with you.

Q422 Mr Beggs: You do not have an opinion then?

Mr Clarke: I think the victims and survivors and how they feel will be highly important to how you deal with the past because they are the people who have suffered the most. When you talk about a victim-centred approach, one of the dangers—and again these are personal opinions—is that victims might feel that they are central in a sense that if they do not adopt a strong reconciliation mode themselves they are somehow holding the process back. I would say personally that there would be a slight danger of that but it does depend on what you mean by victim-centred. Victims and survivors are obviously crucial to reconciliation.

Q423 Chairman: What input does the Victims Unit have into the government's dealing with the past initiative?

Mr Clarke: At the present moment in time those are separate considerations.

Q424 Chairman: You have had no input into that?

Mr Clarke: I have had no input into the present considerations of that.

Q425 Mr Beggs: Have you consulted individual victims and victims groups about ways of dealing with Northern Ireland's past?

Mr Clarke: When Angela Smith was doing the series of workshops and so on to which I have already referred that took on board a very wide range of views and consultation was done because Angela Smith is also a Northern Ireland Office minister. The consultations at that stage did take into account a lot of views about how we would deal with the past but those would be Northern Ireland Office issues.

Q426 Mr Beggs: Are you in a position to tell us who you have consulted and who you intend to consult?

Mr Clarke: There were several phases to the consultation which took place. There were adverts in the local papers inviting opinions on a range of issues and there were the workshops themselves which were held for anyone to attend—victims groups, individual victims and other people, so it was quite an extensive effort consulting as widely as possible.

Mr Beggs: There is a feeling out there that every minister who does not want to make a decision goes in for yet another consultation process and that by the time the reports are coming through they are likely to be moved on and we go through the same cycle again.

Chairman: And there is a feeling too that officials who do not want to make a decision invite their ministers to start a consultation process! That is just a flippant remark.

Q427 Mr Beggs: Are we near coming to an end of consultation and arriving at a decision?

Mr Clarke: I think that is a question, with respect, for the minister.

Chairman: That is for the minister, who has been advised to delay the response? Sorry. That is not fair.

Q428 Reverend Smyth: Two very quick questions: one is a question on financing and rolling out. We are now almost at the end of February. Have you any idea what money will be voted for next year for the victims groups so that they can plan ahead? They are in a little bit of a limbo wondering whether they are going to get it.

Mr Clarke: They are not in limbo as regards next year because it has already been communicated to them.

Q429 Reverend Smyth: Communicated to them directly or communicated to you?

Mr Clarke: Directly through, in this case, the Community Relations Council. They are managing the money.

Q430 Reverend Smyth: You did say, quite rightly, that the victims groups had nothing to do with looking at the question of guiding ministers concerning the ending of the past and moving forward. Is there any remit within the department for dealing with that at all or is it just in limbo at the moment?

Mr Clarke: I would not imply that it was in limbo. I said it was a Northern Ireland Office area of responsibility. I am answering for the OFMDFM.

Chairman: Thank you all very much for coming and answering our questions. We are obviously concentrating much more on the victims but it is interesting to see what you are doing and furthermore you have put some thoughts in our minds as to questions we shall ask the minister in due course, whoever that may be.

Tuesday 22 February 2005

Members present:

Mr Michael Mates, in the Chair

Mr Gregory Campbell
Mr Iain Luke

Mr Stephen Pound
Mark Tami

Memorandum submitted by Mrs Celia Gourley OBE

You asked for some biographical information in advance of my appearance before the Northern Ireland Affairs Committee—Reconciliation and Dealing with the Past Inquiry.

2 June 1991	I was the “mistaken identity” victim of an IRA car bomb and lost both legs plus part of a finger (press cuttings attached).
22 November 1991	Returned to work in the Northern Ireland Industrial Development Board (IDB) (press cutting attached).
31 December 1991	Awarded an OBE for services to industry in Northern Ireland.
January 1992 to September 1997	Continued to work full time as Director of Exports in IDB.
October 1997	Health prevented full time working, took early retirement.
November 1998 to February 2003	Appointed a Director of the Northern Ireland Memorial Fund (for victims).
September 2000	Became Vice Chairman ADAPT NI (arts accessibility charity).
9 April 2003	Became Chairman of the Northern Ireland Prosthetics Forum.

Memorandum submitted by Mrs Barbara Deane OBE

A teacher of mathematics, I was one of the early victims injured on the Ormeau Road on 2 November 1971. I was in a clothes shop looking at a skirt when the bomb was planted. This was the first no warning bomb outside West Belfast. My injuries included:

- 500 stitches in my face with my jaw and mouth needing later plastic surgery;
- 500 stitches elsewhere in my body some of which needed grafts;
- My ear was not completely severed but needed sewing on;
- The tendons in my right hand were completely severed twice;
- My right leg had to be amputated mid-thigh.

Since the compensation in those days was very small, I had to go on working. Like many others I have simply got on with my life and not been involved in victims’ groups or the like, preferring to put things behind me, while yet being available to help others where I can.

I taught for several years and then entered the education and training inspectorate for over 10 years. Physically it became too demanding and I was granted medical retirement. I had tried all those years to go on despite my disabilities but now decided that it was time to give something back to the world of disability. I worked part-time in administration for the Northern Ireland Music Therapy Trust and the Blind Centre for Northern Ireland, before meeting my husband. Since we married I have not worked but been involved in short term work abroad with street children and gypsies in Romania and building houses in a township in Cape Town. Currently I am a Northern Ireland representative for the Through the Roof organisation (www.throughtheroof.org)

I try to go about “reconciling” day by day.

I have been interested particularly in:

- the “ripple” effect of various injuries;
- the fact the needs of victims may change as they age and will go on changing;
- the fact that victims may find “normal” problems more difficult—eg I had to tend for both my parents before they died, had to clear my aunt’s house—at this stage on my own;

- the belief that moving on should include moving beyond the need of the support for *any* type of organisations.

There are those who find the term “victim” to be *only* equated with inability, the object of pity, someone who only needs, and someone of necessity embittered and angry and frustrated. There are many who have overcome great odds, who simply get on with their lives, not seeking much or any financial or other support, who have retained their humanity and humour, those who live above the level of mediocrity and whose achievements could be an inspiration to other victims.

THE HALLOWEEN WEEKEND OF 1971—SOME MEMORIES

Friday 29 October—half-term (my third year of teaching in Friends’ school Lisburn). I miss the school office closing at the end of the day and decide to take my form’s locker money home with me for the weekend for safekeeping.

Saturday 30 October—we are all out somewhere and our house was burgled—amongst the stolen items are the TV, the locker money, a pearl bracelet with sapphires given to me for being bridesmaid to Aunty Wyn’s daughter. It was prevented from being worse by a nosy neighbour, who saw the thieves carrying out the TV and bravely tackled them. I remember feeling violated—they had used the bathroom etc. A nice policeman sergeant comes to talk to us about it.

Sunday 31 October—as normal. In the evening I took the after church group for teenagers whom we had started called the “After Eights”. We were looking at themes and I was to do the one on Love. I talked to them about different sorts of love [a la CS Lewis] and agape and the need to love the IRA (from the sermon on the mount) and got a strong negative reaction—I tried to explain that this was what marked us out as Christians but I got so upset by them that I had to stop and could go no further. [The group remembered this vividly afterwards].

Monday 1 November—I have vague memories that some of the stolen goods were returned, but not the pearl bracelet or the locker money; however some kind man after the explosion gave the family the money for this. I cannot remember anything else about that day and there is no one left to ask!

Tuesday 2 November—I think mother and I had been in Bangor—I remember I chose to wear my new cardigan with fancy buttons on it.

I can remember driving back via Dunlady Road where there was a car with a wonky wheel in front of me, which I was being careful to avoid. Ahead of that was Rosemary Hunter in a car—she taught in Friends’ school and lived in Dundonald.

I decided that I wanted to pop into Elizabeth Boyd’s for a red skirt, which I had seen there previously.

When we got there I parked down the street beside it. Mother had broken the strap on her shoe and decided to remain in the car and I went in alone to the shop.

I had my hand on the red skirt when I became aware of a commotion behind me and turned to see a man with a gun. He put something down next to the wall beside the police station and I realised it was a bomb since it was lit. Calmly I asked him how long we had got—up until then there had been 20 minutes warning. He answered “20 seconds from when it was lit”. My memory is that I tried to marshal the others on the ground floor out and as I emerged (last of them) I saw the police emerge and I went towards them to direct them after the man. I hesitated then, because he was heading round the corner to where mother was sitting in the car. If I had dashed in the other direction I might have got away as some others did. As I turned he was firing at them from the corner but I must have been looking down the barrel of his gun because I saw the intense light coming from it and thought “oh that is where the lost energy goes”—we had been doing sums in A level maths about this. Afterwards someone told me that he had shot my ear almost off.

Then there was a bang and I rolled over, thinking, “goodness—this is the end”. A second bang almost immediately I was later to learn was the bomb in the pub going off. I am told that the dead woman from the pub landed on top of me and this is how they knew which explosion had been first. After a short time to me [I have no idea of how long] I rolled over again and I thought “well here I am again—maybe it is not”. Nothing terribly holy! I was conscious of my mother bending over me. She had, apparently, been searching for me in the rubble of the shop until someone told her there was a body in the road—the only way that she knew it was me was because of the fancy buttons on my cardigan. I smiled reassuringly at her—not realising that my face was a mess and I probably passed out again.

My next memory is in the ambulance—waking up to find my mother fighting with the men—the City was on intake but she was determined to take me to the RVH and the man was reporting this to the control centre. They did take me to the RVH—getting there at 4.55 pm. At 5pm the leading plastic surgeon, John Colville, would have left but stayed and worked on me with others for six hours that night.

My next memory is of being in casualty with them working with me and round me and my screaming at them to take my girdle off! [I wasn’t wearing one] and one of them saying that I was complaining of pains in my stomach. I must have passed out again.

Apparently my mother had also organised someone to look after my open car and managed to contact my father and the minister and aunty etc. At about 9.30 pm she realised that they had not prayed and asked the Rev Lowry to pray. Later the surgeons said they had nearly lost me about 9.30 pm and suddenly I had rallied. How she coped I do not know—except for the grace of God.

I was told later that I had 500 stitches in my face and 500 elsewhere in my body. [I understand Derrick Bingham was to preach about the woman with a 1,000 scars]. Some of the scars later required grafting—my ear and my stump—and I was to have surgery to remould the side of my mouth and chin and while there my injured hand (tendons sliced through twice) was to be (successfully) manipulated under anaesthetic to see if it could be got going.

My next memory is of waking in the recovery ward and a nurse telling me she was “my nurse” and I was not to worry—that I was in hospital etc and my replying “yes I know that—how’s my mother?” I was as yet unaware that people could not make me out.

I must have been taken down to a ward while Intensive Care was made ready for me and I woke up there. I couldn’t get the nurses walking past the end of my bed to pay any attention to me—which one was mine?? Eventually one came and I must have been successful in indicating that I was thirsty and they brought an ice cube for my lips. Then the same nice police sergeant, who had helped after the burglary appeared at the end of my bed and I said “awk hello” but he clearly did not comprehend that I recognised him and was speaking to him—I began to think this strange. He looked very distressed—I wondered why. Then I must have passed out again.

The next time I awoke I was in the hyper baric machine in Intensive Care—a small cylinder into which my bed would just fit and in which they could make the atmosphere as they wished. A doctor was speaking down the phone to me. I had been sick all over myself. I desperately looked for a phone at my end to answer him—it was a while before they had the wit to say that all I had to do was talk and they would hear me.

Was it later that night or the next day or two when I asked them to make sure that the tablecloths from the After Eight Club were washed and returned in time for next Sunday.

I was in and out of the machine for over a week as gangrene set in and they tried to save my leg. I hated it.

One earnest Brethren nurse in intensive care gave me a thick book with a lilac cover, entitled “Lord I care not whether I live nor die”. The children from my neighbour’s house sent me the Beano which was much better but which I could not open it out properly because of the lack of space in the cylinder and my arm being in plaster. They put a TV in the room but on the wrong side—I had to lie on my injured ear to watch it and it hurt. Later in woodwork I made a shelf to fit over the top of the tube so that others could watch the TV from a better position.

One parent from school made large paper flowers, which stayed on the bottom of my bed for weeks. Van Morrison (local pop star) and others came to see me. Aunty Wyn was not allowed near me since she would be too gushy and would only give me sympathy and the ward sister and mother had agreed that I should not be given sympathy. Some IRA men were brought in injured from another incident and were in a bed near me. The nurses joked about standing on their drips.

Then came the day when the ward sister said they were taking me up to surgery and might not be able to save my leg. No one had mentioned this and I grabbed on to her like a limpet and she held my hand all the way to theatre and when I got there she asked someone else to hold my hand. I remember asking if I could be put out before they moved me on to the trolley since it was so sore.

Back in the ward I woke up on my own [bad mistake] and felt for my leg with the other one and realised that it was not there. I gulped, prayed hard and someone came.

Perhaps this is enough for me for now.

Barbara Deane

29 April 2000

LATER NOTE

Just read the section in *Lost Lives* for the first time—I had not realised that there were three people killed in the pub—I thought it was only one.

I feel guilty that I was not sufficiently interested in the others who were also killed and injured why was this? How could I have been so insensitive?

Some effects were positive; some negative.

There was an effect on:

- my family—at home, abroad
- my family’s social circle—church, TWG, etc
- my friends
- my work

- my “spare time activities”
- Elizabeth Boyd’s shop; the Red Lion; the police station
- the UDA on the Ormeau Road who apparently collected money for us and have lit a bonfire on the spot ever since
- the Ballynafeigh clergy group
- the men who as a consequence of knowing what happened to me, joined the UDR
- those who were subsequently injured
- those involved with me in sports activities
- the limb fitting centre
- the hospital trauma unit and other wards
- the physiotherapy treatment
- Commission (a radio programming group which I subsequently helped to form)
- Compensation
- Court actions

Witnesses: Mrs Celia Gourley OBE, Mrs Barbara Deane OBE and Mrs Maureen Mitchell, examined.

Q433 Chairman: You are very welcome. Thank you for coming to help us. As you know, we are looking at the prospects of options for some sort of reconciliation exercise dealing with the past. We have been listening almost exclusively to victims and victims’ organisations because that is all we will have time to do if, as everybody expects, there is a general election in the UK in May. I very much hope that our successor committee will take up the cudgels and look at the rest of what is a very complex and difficult problem. We are sitting in private because some of the evidence we have been given has been sensitive and personal. The evidence will be published and we will publish an initial comment on what we have heard which will happen probably at the end of March. We would like you to be frank with us and tell us from your perspective what you think about the various subjects. First of all, what do you think about the Secretary of State’s initiative to consult about dealing with the past?

Mrs Deane: I apologise that I had not heard about this because I only read the papers on the internet. I do not buy the published ones.

Q434 Chairman: Let me tell you that the Secretary of State about nine months ago said that he wanted to consult about reconciliation, dealing with the past. He himself went to South Africa to see what they had done in their truth and reconciliation exercise and came back and said he did not think that the South African model was particularly appropriate, and I must say that is something we agree with.

Mrs Deane: I would just like to say that I welcome this attempt. I wish the committee all the best in its endeavours. There is just a wee minor thing. Even your own documentation refers to the past 30 years and since it has been going since 1969 and my explosion was in 1971 maybe you could look at the phrasing of that sort of thing. I was brought to Belfast City Hall where the plaque for Bloody Friday was unveiled and it said, “All those who were injured until then and since”, and somebody turned to me and said, “What about you because you were injured before that?”. It is just a wee sensitivity.

Q435 Chairman: We will be very careful with our phraseology. What we are actually considering is the 30 years of the conflict, 1969 to 1999, and of course we have moved seven years on. That is the way life goes. We will be very careful with our wording, and thank you for that.

Mrs Deane: It is only a small matter.

Q436 Chairman: No; it is all right. Does anybody else want to say what they think about what the Secretary of State is doing?

Mrs Mitchell: As a victim from mainland Britain, especially locally, I do not think the tragedies in England have been recognised by the government. I have fought very hard to get them to recognise what happened.

Q437 Chairman: I know you have. You would like to see this being rather more inclusive?

Mrs Mitchell: Yes. I would like to see more acknowledgement of mainland victims.

Q438 Chairman: Let me ask you a difficult and rather philosophical question. What do “dealing with the past” and “reconciliation” mean to you?

Mrs Gourley: I looked up “reconciliation” just as a matter of interest before I came and it is “establishing friendship between, settling or resolving, bringing to acceptance, making compatible or consistent” and “to purify”. The thesaurus says “resolve, remedy, heal, cure, rectify”. I feel before we can do any of those things there is an enormous amount to be done by the people who perpetrated the sort of injury that I and Barbara and Maureen and many other people received. There is a great deal of hurt, there is a great deal of anger and there is a great deal that needs to be done, I am sorry to say, by those who perpetrated these events before those definitions of “reconciliation” can begin to happen.

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Q439 Chairman: One of the things that we are quite sure about is that it has got to be inclusive and everybody has to be prepared to take a part. How do you think that ought to be begun? How would you see that process starting?

Mrs Gourley: If I knew how to do that I would begin to do it in my own life. I do not know the answer to that question.

Q440 Chairman: It is one of the hardest to answer, is it not?

Mrs Gourley: Yes.

Q441 Chairman: Have either of you any thoughts on it?

Mrs Mitchell: On a smaller scale, I have actually met the perpetrators who did the things that happened and my opinion is that they will never give what Celia wants. They will never reconcile because the ones that I have met and spoken to have never ever shown any remorse for the things they have done.

Q442 Chairman: So you think it is a hopeless cause?

Mrs Mitchell: I would like to think it was not a hopeless cause but from my experience with the ones I have met I do feel at this point in time that it is.

Q443 Chairman: Would you like to share with us who you met?

Mrs Mitchell: I have met Pat McGee quite a few times, who did the Brighton bombing, and I have met some from COISTA, one of the ex-prisoners' groups.

Q444 Chairman: And you did not see any sign from McGee of remorse?

Mrs Mitchell: None at all. I know personally the girl who has been very involved with him about the Brighton bombing and he has actually said to her that he is not sorry for what he did. He is sorry that her father was killed and that is the only remorse he has ever shown.

Q445 Chairman: That does not make it easy, does it? We wanted to start off by talking to people like you because you can see it from a perspective that none of us could imagine, but if one were to try and get the victims together to try and come to terms with what happened, how would you see that progressing? Do you think that is a starter?

Mrs Gourley: Yes, but that is a one-sided thing. You cannot reconcile between two people unless you are meeting. I am not saying that victims need to meet directly with perpetrators. I have not met with them but I think the perpetrators need to have this sort of event with someone asking them for their views and then you can see if there is any possibility of the two coming together.

Mrs Deane: I would agree with that. If there is to be any inclusiveness then they have to be asked as well what they feel. There are a lot of people doing a lot on the ground individually. I have also shaken the hand of some of the folk who did it, not to me but to a lot of other people. I have worked on the Falls for many years. I think that we are further on than the

non-lethal co-existence in terms of reconciliation but we are miles away, as Celia says, from the view that Tutu had, of compassion and magnanimity and all sorts of things like that. I think respect for each other is actually growing because of the ceasefire and therefore I think it is important that all groups are taken into your deliberations rather than being excluded from them.

Q446 Chairman: Please be assured that we intend to do that. We just wanted to start at one end or the other and it seemed to me this was the best end to start.

Mrs Deane: But having worked in education and up the Falls and so on, I have also seen how practicalities can help. Where there is decent housing and decent schooling there is less cause for complaint, if you follow me. Sometimes people can get absorbed in a necessary discussion which is a theoretical one, but really the money is not put where it would help people on the ground to have a better quality of life which then alters their viewpoint and their value system. I wonder if we are asking the right question in terms of reconciliation. There are groups of people, estates of people, who seem still to be full of resentment and vengeance. How can we transform their views? A lot of people are perfectly reconciled and can go about and meet. As I say, I have met lots of people up in the schools and so on in West Belfast, but there are still hard cores. How do you alter those hard core views of people rather than having—and forgive me: I do not mean to be insulting—a waffly discussion on reconciliation? I do not know how to do it myself.

Mrs Gourley: I am not prepared to meet those people at present. I have not met perpetrators and I am not prepared to do so. I do not feel that they have been nearly sufficiently sorry or apologetic, nor in fact have they actually stopped doing the sort of thing that they did. There is not so much of it but it has not stopped and I am not prepared to meet them until it does. They apologised that I was blown up because I was not the target but that meant that someone was the target and we believe it was a policeman. I think that is obscene. I cannot describe how bad I feel about the people who did that and I am not prepared to meet them at present until there is a huge sea change. If we are to have reconciliation in this country it has to start with children. It has to start at four or five; we have to be educated together. When I worked for Adam Butler he told me that when his father Rab introduced the Education Act it was the Catholic church at that stage that would not be inclusive, and I think that continues to this day in this country. That is where a lot of the problems begin.

Q447 Chairman: That has been a hobby horse of mine for a very long time. You say that you are not prepared to meet perpetrators. Do you know who planted the bomb?

Mrs Gourley: I do not. To the best of my knowledge no-one has every been charged with my particular incident.

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Q448 Chairman: Can I ask the other two the same question?

Mrs Deane: Yes. There were two guys involved. I was told that one of them was shot by the army and that he was dead, and the other one was arrested and brought to trial. I was involved in that trial at low court and high court but I was not asked to identify anybody. I was simply there to say that an event had taken place and I had suffered such-and-such injuries. He was sentenced to eight years, of which he had already served two, so he probably would have been out in about two more. Back in 1971 it was a very different situation as regards victims and we do feel a wee bit neglected, us early ones. I am not complaining. I got £17,500 compensation. For the same injuries the next year they were getting a quarter of a million. I am not complaining because actually I had to go to work to make ends meet and that was good for me. Do not get me wrong in that sense. However, there is a sense in which you do not know what those very early ones have had to go through. All of the bombs that went off after that I felt personally. I was speaking to some of the Omagh people and they did not have that experience, but the emotion of that from 1971 onwards has been with me. Mine was the first no-warning bomb outside the Shankill or the Falls, so it was in the very early days. In the seventies when I was in the hospital there were bomb scares. It was a very different situation. People were rattling bin lids and all sorts of things. We did not get the care. We had five minutes with the social worker. My father went round farms trying to find a barrel that he could drill holes in the top of so that I could have something to sit on in the shower. We did not even know you could get that sort of therapy help. We were not involved in victims groups because they did not exist. I do not know what that has contributed.

Q449 Chairman: This is just the sort of thing we need to hear. Have you had any contact with the person who was sentenced?

Mrs Deane: No.

Q450 Chairman: Has he ever said anything?

Mrs Deane: No. He came into the court, raised his arm and turned his back on the judge.

Q451 Chairman: What about Mrs Mitchell?

Mrs Mitchell: Six men apparently were wrongly convicted of the Birmingham bombs and then there was an inquiry for a couple of years after. There was a certain MP who said he had met with them.

Q452 Chairman: That was a little perverse, some of us think.

Mrs Mitchell: I have written to him on several occasions but he will not give me any information.

Q453 Chairman: Are there different levels of satisfaction amongst you with what the state has done to sort you out? Mrs Deane was very specific and graphic about it. What about the other two?

Mrs Mitchell: As I say, there was a big police inquiry after the bombing.

Q454 Chairman: No, I meant the help that you got.

Mrs Mitchell: The help at the time in 1974 was the same as Barbara's. There was not recognised help, there was not counselling or anything. The only help I have had since then was coming here to Ireland, to Grieve(?) in Dublin and the Warrington project, but that has been in recent years, not in the seventies.

Q455 Chairman: Do you live here now?

Mrs Mitchell: No, I live in England.

Q456 Chairman: You came over just for this?

Mrs Mitchell: Yes.

Q457 Chairman: Thank you for that. Mrs Gourley?

Mrs Gourley: My incident was in 1991. Financially I was well looked after but I was a civil servant and I knew how to work the system and I had a barrister friend who advised me very well. Financially I did not have a problem, I went back to work as well, but physically—Someone asked me who was in charge of my reconciliation and I said I was. I had no advice about the house, no assistance in how to get on with my life, no offer of counselling. A doctor came to see me. He said, "You have lost both legs above the knee. You will probably never walk again", and it was actually that comment that determined me that I would walk again, if only to prove him wrong, and I did.

Mrs Deane: He did you a favour.

Mrs Gourley: He did do me a favour, yes, but there was very little help, and I do not honestly believe the system is all that different today. We meet people. Barbara and I are both on a forum for prosthetics users and we meet people who lose limbs, thankfully these days not through bombs, but they have their leg chopped off and they are told to get on with it more or less.

Q458 Mr Pound: Can I first say to Barbara that your personal statement which you provided to us is one of the most moving things I have ever read and I am very grateful to you that I have had the opportunity to read that, and the degree of courage that all three of you have shown is a credit to you. Can I ask a question about Maureen Mitchell's particular project, which is a memorial? I am thinking of the example that my father could never be in the same room as a Japanese. Because of things that had happened to him in the war he hated all Japanese. I, like some, did not like others. My young son, who is 15, has absolutely no problem with the Japanese. Therefore, things change through the generations. Maureen, I am just wondering whether memorials or statues or commemorative plaques make things better or worse? Can I ask you because you specifically want a memorial in Birmingham?

Mrs Mitchell: Yes. We did get one after 21 years. It was more a recognition thing, that I felt and still feel to this day, that Birmingham City Council just pushed it under the carpet. Possibly because we have got such a big Irish population in Birmingham there was a large backlash and I think Birmingham just wanted to behave as if it did not happen. My fight for

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the memorial was to get it recognised. Even last year I had to fight to get the first memorial service, which we did get.

Q459 Mr Pound: Has it made you personally—I was going to say feel better but that is not the right expression? Has it helped?

Mrs Mitchell: It has helped. Small as it is, and it is just a very small stone with 21 people's names on it who died, it has helped their families and, looking at the response to the 30th memorial, it has helped a lot of people. There were a lot more people who were involved for the 30th memorial than we had for the 25th because I think people are now more reconciled 30 years on as far as Birmingham is concerned, and we are building quite a big Irish culture now, which is wonderful. It is time we recognised that the backlash against the Irish people was wrong in the first years.

Q460 Mr Pound: Mrs Deane?

Mrs Deane: Personally, I do not feel the need of a stone. I would rather have some sort of bursary for the next generation. I think there has been a lot of trying to bring youngsters together just for holidays and going back. I would have them much more focused, where they go up to Fleming Fulton, which is a school for disabled people, to see people who are worse off than themselves; I would have them go to Kosovo, go to South Africa or something like that in order to see that other people have conflict in their lives. I would go for putting the money into the next generation.

Mrs Gourley: I feel that memorials can be divisive. One group is pleased that it is there and another group is not. Like Barbara, I would prefer to see schemes to help people. I was involved on the Memorial Fund Board and we have introduced six schemes to try and help victims.

Q461 Mr Campbell: I am just conscious how difficult it is going to be for the committee to reflect the very personal nature of your experiences in the report. I was conscious of what Maureen had said about having met some of the people who owned up to having been involved, in some of the atrocities. How important is it in considering the issue of reconciliation that the perpetrators come to the point that you think they have not come to yet, which is of saying that they are sorry? Is that crucial to an effective reconciliation, to get them to a point where they are prepared to concede that what they did was wrong?

Mrs Mitchell: I think it is critical because if you look at Celia's definition, that is what needs to happen. They need to admit it. I am not saying that they have to go down on their knees; that is not going to make any difference to people, but they have got to acknowledge that they did wrong. One person in the group that I was with when I met these people referred to them as terrorists and one of the lady ex-prisoners said, "Be careful what word you choose. I am a foot soldier", and she said that to someone whose son had been killed, a British soldier. In my

mind he was right: she was a terrorist, but she was not a terrorist in her mind; she was a foot soldier and she said she chose to be in the IRA at 14 years old.

Mrs Gourley: I agree entirely. I think there do need to be apologies right from the top down and from all the political parties. I think we are doing the emperor's new clothes with Sinn Fein and have been for a long time. David Trimble's party has called Sinn Fein the IRA all along. We have been fooled, we have been accepting this façade and I think there needs to be honesty from them as well.

Q462 Chairman: The emperor's clothes seem to have come off in the last couple of weeks.

Mrs Gourley: I think that is right.

Q463 Mr Campbell: I wanted to hear what Barbara had to say.

Mrs Deane: Just having been in schools in West Belfast and at meetings of the parents and knowing the situation, some of them actually do feel that they are foot soldiers, like people were in Belgium. I am aware that that is the case. The point of having an apology right across the board is to begin to respect each other and for me to say that you are different but that does not mean I should wipe you off the face of the earth. That is the reason I would ask for an apology, for the community. I do not need one for myself because I have forgiven and that is me personally. I do feel that there ought to be a recognition, even on the Protestant side, that the way people are brought up to think exacerbates the situation and they need to change that. The history teaching in schools is still a long way short.

Mrs Gourley: Schooling again with the churches outside.

Mrs Deane: A lot of Sinn Fein are secular people and a lot of the teachers are now secular in West Belfast and so on. I would not put that at their door, but I do feel that there is a lot more need for proper integration. Integrated schools do work. I have been in them, I have seen them, but we cannot force them on people who would riot if they were together. We have to keep working and chipping at it.

Q464 Chairman: One of the problems which has been thrown up by questions we have asked about whether you should have a truth commission or a reconciliation commission, a dealing with the past commission, whatever you might call it, is that if one were to get the paramilitaries to apologise, to come and explain, to admit what they did, this would almost inevitably have to involve an amnesty of some sort. What would your views about that be? In other words, you cannot really expect these guys to come in and say, "Yes, I put the bomb that blew up the shop in the Ormeau Road. I am sorry", because as things stand the law would then have to prosecute. Even if we did get them in the right frame of mind that is a deterrent. Do you have views about that?

Mrs Gourley: I think if they perpetrated the crime they should pay for it.

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Q465 Chairman: Sure. Then you cannot expect them to come and say that they did it.

Mrs Gourley: It is not so much them that I expect the apology and change of heart from. It is those who led them and those who still believe that violence pays and that the ballot box has got a gun behind it.

Q466 Mr Luke: Some of the previous witnesses have talked about establishing what they call a macro truth. Obviously, there is still in many cases a very intense feeling of pain and suffering you have had because of the bombs, but do you feel that it is better to have a macro truth first before we move on to the individual healing process?

Mrs Gourley: Yes.

Mrs Deane: I am sure many people are already upset because some folk who have only been in a short time have been let out again because of the Good Friday Agreement. I do not know that an amnesty is much different from that really. I agree with you that the South Africa model will not work because Tutu's view of retribution and justice and so on was wrong. I do not think it is totally punitive. I think there is a healing process in it. I am probably more settled

because I have had that and gone through it on an individual basis, but there are lots of other people who have not got that. It is interesting that the Omagh people are searching for that desperately, even by private trial and so on. I personally would have no problems with an amnesty but I know that some of the wider groups in the community might not feel like that. I just go on living; that is thran, you see. I would not let them win by making me bitter.

Mrs Gourley: I am not bitter but I am very angry. Anger was the driving motivation in my case and I am still very angry.

Mrs Deane: That is all right. You are allowed to be.

Q467 Chairman: Thank you very much indeed, all of you, for coming. It has been very helpful to see a different perspective. I think I can say on behalf of us all how much we admire the way you have coped with the problems that were visited on you. Thank you very much for your help.

Mrs Deane: Thank you, and once again all the best with your deliberations.

Mrs Gourley: Thank you for the opportunity to put our views.

Memorandum submitted by Rural Community Network

Rural community Network (RCN) is a voluntary organisation established by community groups from rural areas to articulate the voice of rural communities on issues relating to poverty, disadvantage and equality.

SETTING THE CONTEXT

The legacy of the conflict and violence in Northern Ireland has resulted in a scarred and deeply divided society. Rural communities have increasingly become single or near single identity in make up. This process once started is subsequently difficult if not impossible to reverse and the very fabric of society that has developed over centuries has been torn down in a relatively short period. With no peace walls or overt sectarian interfaces within most rural areas, the interfaces for many are held deep within rural dwellers fuelled by family and community history and personal experience. Throughout much of rural Northern Ireland, the emotional pull of specific groups of victims and cultural segregation are tied up with deep family loyalties. Betrayal of deep wounds inflicted over many years is an ever-present concern. As elsewhere, small efforts are always threatened by changes and events on the wider political picture.

RURAL VICTIMS SECTOR

The term "victim" is complex and problematic as no one "victim" has only a single need and no two "victims" are the same. Victims are not a monolith and have different needs at different times. Many people who have been directly or indirectly effected by the conflict would not want to be classified as a "victim" and are not all members of victims groups. RCN believe the true extent and impact of victimhood is not currently apparent. It has been the experience of RCN while working with groups and individuals in isolated rural areas that many people have suffered in silence throughout the years and do not have access to services. In rural areas where practical help for victims is needed access to services is severely limited. Rural dwellers live in more isolated areas where transport is not as easily accessible and can be much more costly.

Access to health care is problematic particularly for chronic pain relief and other support services. Many individuals who have suffered or been bereaved due to the conflict have health related issues both physical and trauma related but continue to have problems in receiving the appropriate services. Alcohol abuse and addiction to tranquillisers by those who have suffered in the "troubles" are also a serious problem in rural Northern Ireland.

RECONCILIATION

The present reality of relationships in rural communities is that of segregated villages with people shopping and socialising in their own particular areas. There are still issues around how land and property is sold. The cultural and historical development of Northern Ireland has left a legacy of many venues where either Protestant or Catholics feel safe but few where both regard the venue as entirely neutral. This barrier creates a strong physical boundary marking those who belong from those who do not, creating so-called

single identities. RCN recognises and respects where people are at and the reasons for deeply held beliefs. However, we feel it is important to offer a contrasting experience and to push the boundaries of thinking and understanding. The challenges to rural communities in relation to reconciliation is in developing more work in tackling sectarianism and community relations at all levels within local communities and within the more powerful institutions and organisations.

Reconciliation is difficult and at times painful with no neat solution. At the heart of reconciliation is the healing of broken relationships, particularly at community level. Safe spaces are needed for sharing, listening and acknowledging past hurts. RCN believes that if this is done in a way that is respectful to all individuals then reconciliation becomes a possibility. Possibilities for reconciliation exist at both individual and community levels. They are both interconnected.

DEALING WITH THE PAST

The challenge of reconciliation is dealing with the past. A genuine peace process needs to look at Truth, Justice and Acknowledgment. For many people, knowledge is not enough, it must be accompanied by acknowledgment, by acceptance and responsibility. Given the complexities of the conflict, acknowledgment should be by all organisations and institutions who had engaged in the conflict.

Reconciliation is long-term and there is a tendency to focus responsibility on repairing relationships in areas where the experience of violence has been deepest. There is an assumption that violence in the margins of society is seen to be rooted in those areas alone, and that the structures and institutions at the core are deemed to be healthy, based on the lack of visible evidence to the contrary.

12 February 2005

Witnesses: Mrs Marion Weir, Rural Community Network, Chairman of the Tullyvallen Community Association (TCA), and Mrs Esther Andrews, Friends of Inver Women's Group, examined.

Q468 Chairman: Welcome, ladies and gentleman. Thank you very much for coming to help us with our inquiry. We are looking at the prospects of options for some sort of exercise in reconciliation following the Secretary of State's decision to consult on this and to investigate whether there is a possibility of finding a way forward to try and put the past behind us in a way that everybody would sign up to. You represent a very special section of this which I know about rather better than maybe one or two of my colleagues: the problems of small communities in deeply rural areas. We are not going to finish this inquiry if we have a general election in May, which is what everybody is expecting, but we will be publishing the evidence together with a short commentary probably at the end of March, beginning of April. What you say to us is on the record but we are making it private because we thought you might want to talk about personal things and incidents which you would rather not do in public in the glare of the press and everything else. Perhaps each of you could tell us your personal view of how your communities have been affected and were affected during the 30-odd years of the Troubles. Who wants to start?

Mrs Weir: I will start. I am Marion Weir and I work for an organisation called the Rural Community Network. I am a community development worker and have been with that organisation for five years. My role for the past five years has been particularly to work within very rural minority Protestant areas where there has been very little history of community development. I have brought a copy of the research report for you.

Q469 Chairman: Thank you. That would be very helpful.

Mrs Weir: It covers four areas around the border and one was Tullyvallen where * * * * is from. One was Rosslay where Esther is from. The other two areas are not represented here today but they are all border minority areas. This was an active research where you are going round working with the groups and hearing their stories. A lot of people came forward who had never told their story before and I found it quite overwhelming as a community development worker to even listen to men who have been involved, particularly around the Newry area, in different atrocities, and they had been holding all this in maybe for 20 years. They do not belong to victims groups. A lot of these people live in very isolated areas where they would not have the same access to services. Through that research we thought the best approach was a community development approach and, rather than directing them to victims groups, in the four areas community development groups were set up and it was all about empowering those people to look at the issues affecting their community. I know that the two areas represented here came on in leaps and bounds. They are far more active now. They have got very healthy community associations and rather than join a victims group and get into that victim mentality, because a lot of atrocities have happened to both these areas, they are now active in community development, and that is where I am coming from today.

Q470 Chairman: Chair of TCA?

Chair of TCA: My name is * * * *. I live in the townland of Tullyvallen in south Armagh. I am in the area which is predominantly Protestant/Unionist in a very largely Nationalist/Republican area. I am the Master of Tullyvallen Orange Lodge. I was put into that at the tender age of about 24

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years. That lodge in 1975 was shot up by the IRA and seven men were killed. In the space of six months, and I would have been eight or nine years of age at that stage, we lost around 14 or 15 close neighbours and a lot of people had to get out. Life battered down in the Protestant community then but with the peace process things started to lighten up and we decided that Tullyvallen should have a community association and try and build up a community infrastructure, get a bit of money and build an extra sports hall for the local football teams and a pitch and that sort of thing. It was slow work but with help from the Rural Community Network we have managed to build up a good community infrastructure based in the Tullyvallen Orange Hall. The Protestant community in that area has started to grow. The local schools have started to fill up and it is quite good that way. It has been very hard. I suppose I am reasonably outgoing; I can go and talk to people, but it has been hard to get people to come forward. For example, coming here today, it is very hard to get people just to come out and talk and give their stories. I suppose it is the same for a lot of rural areas but we would like to have better facilities for the community in our area, especially the Protestant community, because we are an isolated small community in south Armagh.

Q471 Chairman: When you say “small”, what is the size of Tullyvallen?

Chair of TCA: It takes in the area west of Newtonhamilton and over into the north county of Monaghan. I suppose the best way to judge that is that in the Fuse(?) electoral ward there are six councillors and that always returns four Nationalists and two Unionists. I think the voting register now is round about 1,300 voters for the Fuse area.

Q472 Chairman: So 1,000 to 1,500?

Chair of TCA: Roughly, of voters in that area.

Q473 Mr Campbell: That is the total number of voters?

Chair of TCA: That is about the total number of voters.

Q474 Mr Campbell: That is not the number of Protestants in Tullyvallen?

Chair of TCA: No; that is voters. One thing I would like to get across is the amount of people that have been affected by the Troubles directly and indirectly, most families have lost somebody or have been intimidated or, as in my own case, have had their house blown up on two occasions because of its proximity to a local agricultural co-op. They used to blow it up on a regular basis.

Q475 Chairman: The co-op was the target?

Chair of TCA: The co-op was the target but the houses in the immediate area got the brunt of it as well. I consider that there is a lot of good work to do. The Protestant community in that area come from a very low confidence base and we are getting

somewhere with the community activities. We are trying to get funding, which is proving very problematic, shall we say. We are getting bits and pieces thanks to the Rural Community Network in the main. We have hit a bit of a problem at the moment. Since about the year 2000 the main buzz word at the moment is “criminality”. In our area, because of the proximity of the border, there is a lot of smuggling, diesel and oil smuggling, and that is being undertaken, we have to face it, by people from the IRA and it has been steadily getting worse and worse. What is coming out of that is not just the smuggling but the low level intimidation of people to keep their mouths shut and say nothing about what is going on. That is starting to have a big effect on our community. For example, there should have been two men with me here today but they did not feel they could come. They just feel a little bit insecure at the moment. That is starting to hurt us a little bit with the activities we have going on. People are getting into the battering down mode.

Mrs Andrews: My name is Esther Andrews. I am from Rosslay in Fermanagh, which is just beside the Monaghan border. I am originally from county Cavan and came to live in Rosslay 30 years ago, so was there for most of the Troubles. We have had an awful lot of murders and anybody that belonged to the security forces, if they were not shot, were moved out. The rest of the Protestant community down the years have lived in total isolation. Their women in particular did not go out at night. There was no going out; there was no doing anything. The men went to lodge meetings and had to have security cover to allow them to do that. At one stage we were going to a funeral about once a month when somebody was shot. Three years ago a few of us started up a women’s group to get the women out of the houses and have somewhere to go, but now in these last few months because of the IRA activity we are getting to the stage where they do not want to even come out to those meetings or activities again.

Q476 Chairman: Are you saying that the IRA presence is getting more oppressive?

Mrs Andrews: It is, yes. The case that brought it home to me was that they planted an 850 lb bomb 200 yards from our front door. My husband is not a member of the security forces but we were always classed as being the eyes and ears of the security forces in the area, so the bomb was planted with the intention of wiping out my husband, myself and our three sons.

Q477 Chairman: When was this?

Mrs Andrews: It was 17 years ago. A policeman had obviously seen the culprit and the SAS shot the man at the end of the wire. Every year since then on 26 April Sinn Fein arrive, busloads of them, carloads of them. They block the roads and they hoist the tricolour where the man was shot. They stay there for about an hour. You ring the police for them to come out. There are only two police there. Fermanagh at the moment are planning on

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just having three police stations in all of Fermanagh, which is ridiculous. At the minute there is a police station in Rosslay but there are two policemen in it. If anything goes wrong what use are two policemen? They cannot come out to a crowd like that. It is just intimidation, intimidation, intimidation. They have got rid of a lot of the Protestants in the area and they want the rest of us gone.

Q478 Chairman: Do they intimidate you personally or just the community generally?

Mrs Andrews: The community in general but in this particular instance they are coming and doing this once a year.

Q479 Chairman: How many of them come?

Mrs Andrews: Two or three hundred of them. They block the road and they put two men this side and two the far side and they let nobody through while they are there having their commemoration, and yet if the Orange Men want a parade to a church service they have to put in forms and then maybe they are not even allowed because Sinn Fein does not agree with it.

Q480 Chairman: Did this happen last April?

Mrs Andrews: Yes. It happens every year on the Sunday nearest the 26 April.

Q481 Mr Pound: Is it possible to say how close to your home this happens?

Mrs Andrews: About 200 yards. We live up a lane.

Q482 Mr Pound: Two hundred yards?

Mrs Andrews: Yes.

Q483 Mr Luke: You say they bus them in.

Mrs Andrews: Yes, busloads, carloads.

Q484 Mr Luke: You said you have been in isolation in your small community within a bigger Catholic community. What is your relationship with the local community currently?

Mrs Andrews: I would say that the Protestant community in our area has no relationship at all with the Catholic community.

Q485 Chairman: Even with those that are nothing to do with the paramilitaries, just the ordinary citizens?

Mrs Andrews: You see, you do not trust them. We live in a house and somebody comes. They did not plant an 850 lb bomb 17 years ago and wire it about half to three-quarters of a mile right around hedges and up to where the person that was going to set it off was standing in five minutes. They did it at night when we were in bed asleep.

Q486 Chairman: Have relationships got better since the ceasefire?

Mrs Andrews: It probably has been a wee bit easier.

Q487 Mark Tami: So what do you feel about the whole peace and reconciliation process?

Mrs Andrews: I think the whole thing has been a farce. What have we gained? We are as far back now as we were then. Look at these last few weeks.

Q488 Mark Tami: Do you feel the same, Mr Smyth?

Chair of TCA: Tullyvallen is 40-odd miles from Rosslay and has probably slightly different circumstances. The body of the Unionist people are in an area of south Armagh which is predominantly Unionist. It is an area roughly eight miles square and is predominantly Unionist. There is a body of us there that have stuck together. As regards the peace process, yes, there were benefits from it in that shooting and overt IRA activity stopped with the result that we were able to get on with our lives and establish things. These go on mainly in Orange Halls. An Orange Hall in a Protestant area is the community hall for the Protestant people, not just in Tullyvallen. There are other Orange Halls straddling the border in our area. A lot of activity takes place in community groups in that way, based mainly around the Tullyvallen community. It was good but the problem is that there has been a steady cranking up of things. What is going on just at the moment is that the trust factor has gone. As I said, there were two men who were supposed to come with me today but they did not feel able to come. The likes of myself try and get up and do things and go and engage with the Nationalist community. I go to an outfit called ROSSA in Crossmaglen to see about grants and things like that to help us in our hall. I am prepared to do the likes of that but increasingly I am personally dangling out there because the rest of our people do not trust the Nationalist community because they see the majority vote for Sinn Fein and they see what Sinn Fein is doing at the moment. Whether that will change come the election in May, if it is going to be May, remains to be seen, but the trust factor has gone and it is just a pity.

Q489 Mr Campbell: I come from a border area so I can empathise with a lot of what you say. I am just trying to get a picture and I think you are painting it very graphically and starkly, which is to the benefit of the committee. Given the context of the past few years it appears to me that you are saying that there was the prospect of some improvement. How do you feel things are now? Is it as if the noose is tightening again in your area? How would you put it in your own words rather than my putting words into your mouth?

Chair of TCA: From my own point of view one of the things we have done in the community association is establish a local group and they engaged wholeheartedly with other groups from the Nationalist community. It involved the likes of my wife and some of them having to get up and talk about the things that happened, and my wife talked about an old toy mascot, and they are able to do that with reasonable confidence. If you asked them today to do that they would say no. It is the old thing. I am 37, almost 38 years of age now, and up until 10 years ago it was the fear and I can see that

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starting again. I do not how to put it. It is coming back and people in our area who have the ability to do things for the local community are clamming up. I have a wife and four young children. I have to be careful about the places that I am going to because the trust has gone.

Q490 Chairman: If there were to be some sort of reconciliation process got going by the government or anybody else what particular aspects would you in these remote rural communities see as being the most important part of it?

Chair of TCA: The first thing, Mr Mates, is to talk about truth and reconciliation. There has to be truthfulness from our point of view from Sinn Fein and the IRA. To a certain extent it has to come from the Loyalist paramilitaries as well. I am as much against them, maybe more so. In our opinion they should know better. There has to be truthfulness and openness from the Republican movement. What are they doing? Why the hell did they go and rob that bank? Why did they do that when just a few days before that they were within that much of an all-encompassing agreement? There is no point talking about reconciliation to people that are in a worse situation in that they have lost close loved ones. They just want to know the truth. They want to see exactly where Sinn Fein and the Republican movement, and to a certain extent the wider Nationalist community, stand and to a certain extent that will probably come to light in the forthcoming election. Do the Nationalist people follow the route of Sinn Fein and the Republicans and criminality or do they follow the route of Democrats and the SDLP? That is the first thing. The second thing is, somebody has to come clean from the Republican movement and say what exactly they are playing at because as it stands at the moment I cannot see anybody in our immediate community in the foreseeable future, even if there was an agreement in a year's time, coming down for reconciliation. Reconciliation is to me where you go on the ground and meet with your neighbours and talk about it. They are not going to do that in the foreseeable future.

Q491 Chairman: Not even the people from the Nationalist community who are not involved in paramilitary issues?

Mrs Weir: Can I just come in? We are a cross-community organisation and I do a lot of cross-community work with both Nationalist and Republican groups. I know from the conversations that I have had lately that it is not just the Protestant community that is feeling this way. A lot of ordinary Nationalist people are feeling the same way as well and they cannot come straight out and say things. They are keeping their heads down as well. I had approached a Republican community organisation to come up here today. They had agreed to do it but then when they went and thought about it they did not want to stick their heads out either and have to take recriminations maybe from Sinn Fein or the wider community.

Q492 Chairman: It is very interesting to hear that. Mrs Andrews, do you want to take that up?

Mrs Andrews: There were 97 people murdered in our surrounding area and there are people who have been charged for nine of those murders. For the rest of them they have never got any justice.

Q493 Chairman: When you say "charged", were they convicted?

Mrs Andrews: Yes, but for the other 87 people that were murdered nobody was ever charged with their murder. For some of them their wives are dead now but their families want justice. They know in some cases who murdered their loved ones and they are living across in the Irish Republic. The other thing they do not want happening is for those on the run to be allowed back without being brought to court and sent to jail. Even if it is only for a short time they want them to have at least a criminal record. Our people are very bad at coming out and saying what they want to say and a lot of it is through fear. Because I got involved in the community group I suppose I have gained a wee bit more confidence to come and say what I have to say to you. I might not be the brightest person in the world in the way that I put it but I know what is needed. Our people have seen over the last few years since the Belfast Agreement nothing but Sinn Fein given this, that and the other thing. They have stopped shooting policemen and they have stopped planting bombs like they did at the end of our lane, but they are still there and people know them and they are still doing their intimidating. They are out blocking the few Orange men that live in the area. They will not let them walk the street to church and the government sets up a body to help them and then when they decide to come and block up the road beside our home they can do that and nothing is ever done to them.

Q494 Chairman: Do not worry about how you put your case. We think you have put it extremely well and honestly. Thank you all very much for coming to answer our questions and giving us an insight into a minor but very important part of life. I remember when I was here the isolation of those communities. I remember going to Rosslay police station. They had rather more than two police officers in those days.

Mrs Andrews: There were, yes. There were three PVCs as well.

Chair of TCA: Could I ask, Mr Chairman, that my name not be put onto any records? I do not mind you using my name and I do not mind anybody contacting me, but I do not want to be on any official documentation which will get out there bearing in mind that I live half a mile from the border and I am just worried.

Q495 Mr Pound: We are going to have a bit of a problem because you have identified yourself as the Master of the Tullyvallen Orange Lodge in the transcript.

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Chair of TCA: You can use the fact that I am the Master of the Tullyvallen Orange Lodge and the Chairman of Tullyvallen Community Association. Just keep my name, David Smyth, out of it if at all possible.

Q496 Chairman: We will have to look at it. You do not want the fact that you have come here to be known?

Chair of TCA: As I say, I do not mind you using the fact that I have come here, and I do not mind the titles you use; if you could just keep my name out of it.

Chairman: I tell you what: we will have to work at this. Our Clerk will be in touch with you about it. It does actually give us some problems but we will see what we can do. Thank you very much.

Witnesses: **Witness A, Witness B, Mrs Marie Terese O'Hagan and Witness C**, examined.

Q497 Chairman: You are not quite the cast that we expected, but never mind. Thank you all for coming. Mrs Cartledge we were expecting but the other three are new to us. Would you just very quickly tell us who you are and why you are here because we have a brief about Mrs Cartledge but we do not have a brief about the rest of you?

Ms Service: I am * * * *. I lost my son Brian in Belfast (I am from Belfast) in 1998 when the Good Friday Agreement had more or less just been signed. My son had walked home from his brother's instead of taking a taxi. He would normally have taken a taxi but we thought everything was fine and the Troubles were over. Within 10 minutes my son had been shot three times in the back of the head. That is my story.

Witness B: My brother was killed. He was in the RUC. He was in a car heading into the main Killane Road. There were three policemen in the car and a nun was killed as well and a social worker was injured. He was killed in the bomb.

Q498 Chairman: When was this?

Witness B: 24 July 1990.

Q499 Chairman: Mrs O'Hagan?

Mrs O'Hagan: I am a worker with the WAVE Trauma Centre. I am a training officer and mainly work in the use of creative arts in helping people tell their story.

Q500 Chairman: You are there to support and help people?

Mrs O'Hagan: Yes.

Q501 Chairman: No doubt they will tell us what they think of you.

Mrs O'Hagan: I do not know about that!

Q502 Chairman: Mrs Cartledge, we know your sad story and, of course, that goes way back.

Witness A: Yes.

Q503 Chairman: Perhaps you would all like to have a go at this. What would be the most useful thing to you in terms of trying to find some sort of closure, reconciliation, whatever word you use? You may have different views as to what would be the most useful thing in trying to deal with the loss of your

loved ones. Is there anything you think the government could do or any other organisation could do which would help over this?

Witness A: I would like to think that both the British and the Irish Governments would push the peace process forward so that never again is anybody going to come behind us the way we have been. I would get great satisfaction if the Good Friday Agreement was implemented and there was nothing more left to fight about. That would bring me the best pleasure ever I could get.

Q504 Chairman: That is what both governments are trying to do but there are obstacles in the way, as we know. As you know, what we are looking at is whether we can find a way to have a forum or a body or whatever to deal with reconciliation.

Witness C: I do not think that is going to work. I think so many people do not even know how they feel and how to handle it. To have peace here, to have a government that could work together—this business is a mess at the moment. At one time we thought that was going to happen. You said yourself, I lost a son, but I am not going to lose my grandchildren. I do not even think about the people who murdered my son but I am not at the position of forgiving them. I do not think I ever will forgive. I would like justice. My son's murderers have never been brought to court and I know that they know who they are. They never dealt with my son's murderers.

Q505 Chairman: When you say "they know", who knows?

Witness C: The police. We are very lost people. We are here today now talking to you but we are very lost people. We are like a book you take off the shelf and dust us and take us out now and again and it makes everybody feel good and we have coffee or we have a meal and it is all very nice and we go away and we do not hear a thing. I really want to know what is going to come out of this. Hopefully something will. The first thing that hits you is compensation. People say, "Can we talk about money?" Yes, yes. If my son had been injured and not dead he would have been compensated. He was dead and he was worth nothing. He was single so he was worth nothing. That is a terrible insult on top of everything else. I reared my child to be a moderate and so when it came to my door I could not understand because I taught my children not to hate. As we were saying

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earlier on, only when it comes to your door do you understand. I said to an MP, "When your daughter or son walks down a road and somebody shoots them in the back of the head then you can tell me you understand". I just think we are used. We are used. We do not go to dinners in fancy dresses or talk and get paid for anything. We are left and definitely we are used. I do not know how this is going to go now with Sinn Fein. I was never a supporter of Sinn Fein. I would support it if I felt they were going to work together. I was going to support it. I am Catholic but I am not a Sinn Fein supporter. We do exist. I would have been for it and I thought, "God!". Now it is in a mess", but I still hope. I have a sister who also lost her husband and would not come here. There are a lot of people that you do not hear about. There are a lot of Catholics that are not Sinn Fein supporters here. We are just ordinary people and you never hear our voices; you do not hear our voices. I would like to have the opportunity from now till I die for my voice to be heard.

Q506 Chairman: I am very glad that you agreed to come and talk to us and we are very interested in what you have to tell us. Can I ask you about your son's case? Do you know whether this is one of those cases that the Chief Constable is re-opening, one of these cold cases?

Witness C: No.

Q507 Chairman: You do not know?

Witness C: They are not.

Q508 Chairman: You know that they are not looking at it?

Witness C: Nobody has ever told me they were. I could not see why they would. There is nothing spectacular around it. It was a straight killing. He was walking home and somebody decided to take his life away. I think they thought it would break the peace process at the time, that it would start trouble. It did not. That was my one cry at the time: no, this is not going to happen again and it did not. I definitely know there is nobody looking into it. I think when you have come so many years it is put on the back burner.

Q509 Chairman: But you say people know—

Witness C: Yes, they knew who killed my son but they could not hold them.

Q510 Chairman: Because there was not enough evidence?

Witness C: Probably.

Q511 Chairman: Okay. Does anybody else want to say anything?

Witness B: I can vouch for what this lady is saying from my own point of view with my brother. He was killed because he was doing his job. He was employed by the RUC and he had a young family. As far as support for the young family went, there was nothing. It is like being lost. The wife had to

bring up the children on her own. There was not much support for her, nor help except from her own family.

Q512 Chairman: Where did she live?

Witness B: She lived out in Armagh.

Q513 Chairman: And there was no support, not from what was then the RUC?

Witness B: There was, I suppose, to a certain extent, but there was not enough. I have got comments I hear from the RUC after this all happened and my daughter was going to apply for the RUC. I am not criticising the RUC, do not get me wrong, but I was just so hurt that my brother was killed and it was put on the back burner like this lady said. It happened. "It is your problem, not mine". That is as much as they said because they had asked her which job and it was typewriting she wanted to go into. She said that the particular policeman that was there said, "Have you ever had anybody go into the police?", and she said, "Yes, my uncle". I was sitting in the room and I was so hurt at this. I said, "My brother was killed doing his work". That was nothing. It meant nothing to anybody, so I refused for her to join it. I would not let her join it.

Q514 Chairman: It is difficult to know what to say. Let me just make sure I have got that right. This was people saying that in the RUC?

Witness B: Two in my house, that it was a thing in the past, "You have to move on". Yes, I know you have to move on, but still I was hurting. They did not consider my feelings. My brother was killed doing his work.

Q515 Chairman: Do you think apology plays any part in this?

Witness A: I would like an apology because when my husband was shot dead in 1969 the RUC station in Armagh let the B-Specials clean their guns without even making them account for the bullets they had used. Good, bad or indifferent, they were allowed to clean their guns at the RUC station. There were two district inspectors in Armagh at that time, one called Headley Buchanan(?), the other one called James O'Hara. To get out of it Headley Buchanan stated that he lost 17 men in Armagh. He did not know where they went. You could not have lost a cat in Armagh, never mind 17 men. He was like Pontius Pilate. He washed his hands in public of them. Again, the RUC knew exactly who had done it but I was informed that unless I could pinpoint which one of the B-men had done the shooting none would be charged. As far as I was concerned it might only have taken one of them to kill him but the other 16 were accessories. The RUC had yet to come to tell me that my husband was shot dead. I tried to ring the hospital that night and I was informed by the Armagh City Hospital that the RUC refused to allow any information out on the shooting. I told them who I was. I still was not allowed any information. I went to a phone box—there were not many phones about in those days—which would have been about 2,000 yards from where I lived.

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There was an RUC policeman standing in full riot gear. I explained to him what happened. I said to him, "the only way I am going to get through to the hospital"—because the riot squad every time I tried to get to the hospital was beating me back—"is if you take me", and the answer I got was no. Seven years later I am going up past Armagh RUC station and there is a patrol car coming slowly behind me. I know it is a police car but it revs up and it stops about 400 yards in front of me. The RUC man got out and he said, "Do you recognise who I am?". I said, "Yes. I did tell you in 1969 that with or without your visor your face would stay in my mind till the day I died". He started humming and hah-ing that he was under orders and he could not do this and he could not do that. I said to him then, "Now you know why I hate the RUC". I went further to a friend of mine's house who was a Protestant—I am a Catholic—and I said to her, "You are never going to believe who stopped me today coming up the Newry Road". "Oh yes, Jean", she said, "I will, "Constable Symington(?)". I said, "How did you know?". She said, "Because it has been talked about in all circles. His 17-year-old son is dying from cancer and he has got it into his head that it is God's way of punishing him for not helping you the night your husband was killed".

Q516 Chairman: Was this the police officer at the telephone box?

Witness A: Yes.

Q517 Chairman: He was not involved in the shooting?

Witness A: No. She said, "It is an awful thing to have to tell you. If his 17-year-old son had not have taken cancer he never would have apologised to you". Then we jump to 1990, to * * * * brother's death. My daughter is the only survivor, the social worker that Betty was talking about, out of three RUC and a nun. She has got the nun in the car, they are coming in from Middletown Convent. The IRA blew them up. The RUC have yet to come to my door and inform me that my daughter has been in the explosion. It happened at 10 to two in the day. I got a premonition she was in it. I kept ringing the RUC station in Armagh and I was being kept informed that no civilians were caught in the explosion. This went on until 4.30 in the afternoon from 10 to two. I rang the barracks back again and I said to them, "How can you tell me there were no civilians caught in this explosion? They are updating it every 15 minutes on Ceefax". I learned that my daughter was still alive at six o'clock in the evening from 10 to two. The nun was Sister * * * * and my daughter was * * * *, so when I finally heard it on downtown radio I heard the man that actually pulled them out of the car describing who he had pulled out. Then I realised it was my daughter, so I rang him and all he would tell me was, "* * * *, ring Craigavon Hospital". When I rang Craigavon, Craigavon could not tell me because both were called * * * *. All they knew was that one * * * * was dead, the other * * * * was alive. They said to me, "Can you come to the hospital immediately and can you bring

a second driver?", so I was sure they were about to hit me again that Cathy had been killed, but the RUC had yet to come to me on either occasion and say, "Your daughter has been in an explosion", "Your husband has been killed". Nobody has ever even said sorry. They never even came to tell me, never mind say sorry, so where do you go?

Q518 Chairman: Where do you go? Would it help if they did?

Witness A: It would have been a start. It really would have been a start.

Q519 Chairman: Would it help you now or in the future?

Witness A: After almost 36 years from when * * * * was killed I do not think so. I really do not think so. They might have changed the uniform and they might have changed the name but they still have not changed an awful lot of the people that are with them.

Q520 Chairman: What about you Witness C? Would it help you?

Witness C: There is nobody to come to apologise to me. What would they apologise for? The people who did it have not. I do not particularly blame just the people who just pulled the trigger. I blame the people who bred hatred into these people, "the men in suits". They or their children will never do time, so I know that is part of the trouble here as well.

Q521 Chairman: Do you know which organisation it was?

Witness C: Yes, Red Hand Defenders. They are all the same to me. They just have different titles. * * * * was killed just because he was a Catholic. When you go into a certain area and walk home they know what you are, so he was just unlucky.

Q522 Chairman: It was a random killing?

Witness C: Yes, it was random.

Q523 Chairman: It was not because he had been particularly targeted?

Witness C: They were looking for someone; I knew they were looking for someone. We had heard that somebody else had seen it and got away or somebody was going to work and had seen a car. It seems like that was a bit of conscience but he did not contact anybody. * * * * would be going down his street. If you go into that street you are a Catholic. Once they knew you were Catholic that was it really. Help for me at the moment has been WAVE. My niece had lost her father when she was a young girl and it was in her thirties that she fell down and took a nervous breakdown. My sister could not talk about it, never talked about it.

Q524 Chairman: Her father had been murdered in the Troubles?

Witness C: Yes. They came to his home and he was shot dead. She could not talk about it so my niece had talked about it, and my niece went to a place called WAVE. I did not know it was going to happen

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to me. WAVE helped her. She used to talk about it. Shortly after * * * * died I took a notion. I do not drive but I asked somebody would they give me a lift and I went looking for WAVE. You do meet a cross-section there. If you think about it, you are sitting with people from the opposite side of the community, Protestants and Catholics, and they have lost people. If you can sit together and laugh together and cry together, that is a big achievement. It is the only place I know it can be done, in WAVE.

Q525 Chairman: And that has helped you?

Witness C: That has helped me, yes.

Q526 Chairman: And your niece?

Witness C: Because she went I went. That helped her. Her son joined the youth in it. I am the only one in my family that goes to it. You cannot get the men to join things very easily. You would make a friend, you would connect with somebody, not necessarily of your own religion, and to me that says something for WAVE.

Q527 Chairman: When you say that you cannot get men to join in it, is WAVE very largely a women's organisation?

Witness C: No, we have men. I think women let their emotions out a lot more and the men kind of bottle it in. My husband took very ill when my son died and it was all his emotions going inside. My father used to say women had well developed tongues. I do not know; maybe that is the truth. We are not shy. You will find an awful lot of women coming to these things while the men hold back. The women come and tell the stories because the men will not come.

Witness B: I am a volunteer for WAVE. I only got into WAVE about three years ago.

Q528 Chairman: How did you get to know about it?

Witness B: Through another friend. They were in WAVE.

Q529 Chairman: Another friend who had lost someone and they went to WAVE?

Witness B: Yes. They said to me, "Why don't you go to WAVE?". I said, "As long as it is cross-community". I am very much cross-community. That is the way I was brought up. I went in to see the girls in WAVE and they could not have been more supportive of me. As they had told me, I had to go and see a counsellor about what was happening. I was being negative to it. I was re-living the whole thing and it was all bottling up over the years. Because of this I was getting no support. My sister would ring and tell me, "Would you come and help with my kids?". I had two young children of my own. Because my brother was not there and I felt I had to go and support her. Whenever I got help myself I was sort of passing that on. I was supporting her and I felt that was my job because my brother was killed. She had four young children, I had two young children, so I had to mind six children sometimes as well as keeping a house of my own, because she had no back-up at all. Over the years, as I say, it just built up and built up and I went to WAVE and they have

been supporting and helping me. I asked them in the office could I be a volunteer. They said, "You have to go through the whole procedure and get checked out", and I said, "That is no problem". I go out with befrienders and the satisfaction I get is unbelievable.

Q530 Chairman: It has helped you?

Witness B: It has really helped me.

Q531 Chairman: Are you Protestant or Catholic?

Witness B: Protestant. I go out to see people who have been affected like myself. The way I look at it is that I have my own hurt and my own grief that I went through and I can relate in a different way to somebody else's pain. Everybody has the same veins at the end of it. I am still a volunteer and I get so much satisfaction from it.

Chairman: I am very glad to hear that.

Q532 Mr Pound: Can I ask a quick question on * * * * comments earlier on? One of the things that we are trying to do is work our way through the idea of a victim-centred approach to reconciliation. You used two very dramatic expressions earlier on. One was about the book on the shelf but the second thing you said was that you felt used. Could you possibly say how we could approach this issue from the perspective of the victim without falling into that trap? Is there any category of person or organisation you feel could raise the issue of the victim without, in your expression, using you?

Witness C: I think you should definitely look into compensation. My son was worth nothing, like the dirt on the earth. When my son was buried and I was at his grave for many weeks I saw the body rotting there in that grave. When it happened to me I also thought, "Not me. I am a good woman". I was a good woman; I had good children. In our areas we are used. We are quite used to being used. As a Catholic I am quite used to being used. Maybe the ordinary people in the Protestant areas are used to being used.

Q533 Mr Pound: Could I ask by whom?

Witness C: By paramilitaries. I have no contact with them but I lost my voice. I came from a family where there boys and girls. My father was a working labourer and we sat round the table and talked. My mother would have said, "Ireland should be free", and my father would have said, "It is too small". That is how I was raised. I found it very strange when the Troubles started that when I went out socially I whispered. I was not a confident person because in my view I was not for the Troubles, I was not for taking a life and that is why I just say you have to understand where I come from. My church taught me you cannot take a life, right? That is where I stand. You cannot raise a gun to anybody. I have lost your question a bit along the way.

Q534 Chairman: Who had been using you was Mr Pound's question.

Witness C: I wrote a poem one time when I was in the Waterfront or somewhere, and everybody came round with their cups of tea or their small drinks and

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it was a *tête-a-tête*. It was lovely and we were there and “Here are the victims” and that is what they do with us.

Q535 Chairman: Who are “they”?

Witness C: The Prime Minister was coming from Northern Ireland. My brain loses names. The Northern Ireland Minister.

Q536 Mr Pound: Paul Murphy.

Witness C: It was not him at the time. I just thought, “We are working class. This is not our scene”. These are working class people that died. This is not our scene when we come for cups of tea and you just say hello and he forgets you as soon as he has passed you. Can you tell me—you are the brains—what can you do? How do you do it? Maybe this is a start. I do not know.

Q537 Mr Pound: Thank you for saying we are the brains. It is not a description that most of us would recognise. There have been cases where people have been killed in the same way that your son was killed where that person has been made a hero by a group of people who want to argue that case. The face appears on the gable ends, the name appears on the posters.

Witness C: No, they do not, no when they are not part of an organisation.

Q538 Mr Pound: I just wanted to make absolutely clear that this was not the case.

Witness C: No, not with the ordinary person.

Q539 Mr Pound: So it was not that you were specifically used in connection with that but you feel perhaps more patronised.

Witness C: My husband feels now, if anybody says anything to us, “We have the right to speak now”. I went and spoke in my own community. I feel now we have earned that right. We lost a son. I am still not very brave. I am brave here but I am not that brave really.

Q540 Mr Pound: You strike me as pretty brave.

Witness C: I was braver downstairs before we came up.

Q541 Mr Pound: You are doing fine.

Witness C: It is very important for us to try and get our emotions across to you and we will throw it at you mostly and you will now know where we are coming from.

Chairman: I am very glad you are doing it the way you are because we need to hear this.

Q542 Mr Campbell: You will appreciate we have spoken to a number of relatives of victims and various groups and some of them have talked about the issue of an apology from the perpetrators, and Witness A mentioned that it would be a start but she did not think it would have the desired effect. I am just wondering how important it is for the people who were the perpetrators to state unequivocally

that what they did was wrong and apologise for it. Would that create some sort of new start for you? Would it close the book? Is there any point?

Witness C: If they were lifted and did their time. We all agreed to the prisoners getting out. I said, “That is very easy for me to say but my son’s murderer is not inside”. I was all for that but my son’s murderer was not getting out. We are only human. We will move forward but my son’s murderer is not in there. He is not going to get out after two or three years. I am beginning to wonder now.

Witness A: I felt the same about that. People have stated that such a one only did eight years, such a one only did 10 years. As I once stated, what about me and hundreds more like me that did not have the satisfaction of seeing them serve one hour, one week, one year or 11 years? If we can go forward in the hope that this finishes here once and for all, I think everybody else should be able to go forward with us.

Q543 Chairman: Let me finally ask you a rather difficult question. If we ever did sign up to some sort of arrangement whereby people on all sides acknowledged wrongs, whereby people owned up to what had happened, that would, in the context of crimes such as the murder of Mrs Service’s son, probably have to involve some sort of amnesty because you could not expect someone to come up and say, “Yes, I murdered Mrs Service’s son”, unless they were going to be told they would not be prosecuted for that. How would that affect you?

Witness C: I would not want that. My son was very precious to me and he had done no-one any harm and no-one had the right to take his life just because he was a Catholic. If he had been involved in something, maybe I would have said, “Well, if you play with fire you get burnt”.

Q544 Chairman: Mrs Cartledge?

Witness A: In truth I would ask Gregory Campbell this question. The Good Friday Agreement was signed in 1994. Every time there has been a step forward there have been four steps back and you in particular are the one that kept on bringing up Sinn Fein/IRA. There was many a time I watched you on the television and I thought to myself, “Why does somebody not say ‘Loyalist/UVA?’”, when you were doing the spouting about Sinn Fein/IRA

Q545 Chairman: I think it might be better if we do not get into that.

Witness A: Yes, but if this thing is going to be settled everybody has to go that extra step.

Q546 Chairman: That is understood.

Witness A: Including politicians as well as the victims that have been affected.

Q547 Chairman: Probably especially politicians. I do not think anyone denies that.

Witness C: Northern Ireland politicians.

Witness A: More so Northern Ireland politicians.

Q548 Chairman: No-one would disagree with that. I do not want to get into a personality thing.

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Witness C: I would like to see the Executive up and running.

Q549 Chairman: I am trying to ask this question about the amnesty.

Witness C: I do not agree with that.

Q550 Chairman: I have got * * * * answer. What about Mrs Cartledge? You see, if the person who shot your husband were to come and say, "Okay; these were different times. I did not understand", or, "I am sorry. It was wrong. I wish it had not happened", you could of course not then prosecute him for that. How would you feel about that personally?

Witness A: If the peace process were to go forward I would be quite happy if the 17 B-men never said they were sorry as long as nobody's children or grandchildren had to go through what we went through.

Q551 Chairman: That again is completely different but just as honest an answer. What about * * * *?

Witness B: I would be happy for everyone to live together. As I say, I have been out with the other befriender.

Q552 Chairman: I am asking this because I do not see how you can have that sort of process without it, so it may be one of the very good reasons for not having it. We have a completely open mind about this.

Witness C: What do you mean by not having a process?

Q553 Chairman: A process of reconciliation whereby people come and tell the truth, whereby people come and acknowledge from all sides that mistakes were made, which is what the Secretary of State at the moment is consulting about. We are trying, with a completely open mind, to see whether or not this is on the cards in any way. The difficulty would be that if people were to come and own up to what they did you cannot then expect them to be prosecuted. That is why I asked you the question. I got a very straight and honest answer from Witness B, a completely different one from Witness A, and I would like one from Witness C.

Witness B: I would want them to do their time.

Q554 Chairman: You do acknowledge that this is a real difficulty?

Witness B: They have to learn.

Q555 Chairman: Okay. That is again a very straight answer.

Witness C: The reason I want the peace process to work and for the Assembly to be up and going is that I became aware by listening to the radio that governing your own country is the best thing. There was some organisation that got into debt or overspent and it was picked up very quickly. To rule your schools, your health, that to me would be a step forward for this country, financially as well as everything else. I think that is why people think it is a good idea.

Q556 Chairman: I was very conscious when I was a minister here that it was second best. We did our best but we are not you.

Witness C: But you would not have picked up things so quickly.

Q557 Chairman: Absolutely right. I do understand.

Witness B: Another thing is the media. The media is cruel.

Q558 Chairman: I do not think you have to tell a group of politicians that.

Witness A: Lies and truth to print.

Witness B: Actually, I was not going to come here today if the media had been here, no way.

Witness A: We were not going to come in.

Q559 Chairman: I am very glad you said that because it was a difficult decision to take because we always sit in public. I was very strongly of the view that on these occasions we would take all our evidence in private. We will be publishing what you have said, you understand that, but I quite agree; the media would have been an unwelcome diversion anyway to what we are trying to do, which is to look at it from all sides. We have heard other sides from yours. We have still got to hear from the government side and the police. Thank you very much indeed for coming and for being so frank with us. May I just to * * * *, we are not going to pass on.

Witness C: I will be waiting, believe you me. This time, yes, I am definitely waiting to see what happens.

Q560 Chairman: What we will be doing is probably at the end of March publishing our first thoughts. We cannot complete this inquiry before the election.

Witness C: Please put it in language that the ordinary person can understand.

Q561 Chairman: If we put it in language that I can understand I am ordinary person, so there we go. Thank you all very much for coming.

Witness C: Thank you for the opportunity.

Memorandum submitted by Trevor Ringland, One Small Step Campaign

1. There is a need for the people of Northern Ireland to deal with their past. This should be done in a way which will:

- (a) help people deal with the past to enable them to move forward; and
- (b) to remind us of our history to ensure it does not happen again.

2. TRUTH AND RECONCILIATION

Truth is always a difficult concept to achieve, ie Bloody Sunday Enquiry.

Reconciliation—different people are at different levels when it comes to reconciliation especially as the past is still present, ie the paramilitaries are still in existence.

A general view is that a Truth and Reconciliation Forum would be difficult to establish for a variety of reasons.

3. A story telling forum is a simple concept providing an opportunity for people to tell their story. It is their story, their perception of what happened and nothing more. See attached—re May Street Event—the feedback from all who attended was positive.

Ownership of the process can be given to the community on the basis of a set of principles to ensure the cross-community nature of same and provide a degree of structure. It can be local and national, involving low profile incidents as well as high profile ones.

- Low Cost.
- Contributions to healing and understanding. Each community needs to hear the other and needs to be heard by the other.

It could be “kick started” by specifically organised events throughout Northern Ireland.

I would suggest a group of say, four people, are tasked to determine the basis under which a Story Telling Forum could operate. A time period of four weeks should be given to them to report. Accreditation could be given to the events ensuring its status in the Community.

13 January 2005

Witnesses: **Mr Trevor Ringland**, Chairman, One Small Step Campaign, and **Dr Chris Gibson OBE**, examined.

Q562 Chairman: Thank you very much for coming to help us. Perhaps we can start with a simple question which may be a very complex one. What is the main objective of the One Small Step Campaign?

Mr Ringland: The main objective is to try and promote a shared future in Northern Ireland, not one where we end up working against each other but one where we end up working together for our mutual benefit, saying to people that it really is up to each and every one of us to play our role in trying to create this and take personal responsibility in our own lives to try to do something, no matter how small it is, to reach out and build a relationship or contribute in some way towards that objective of building a shared future. It is also about challenging our leaders and saying, “It is for you to lead us to that shared future that we all want”. If we are going to do anything that would be a tribute to the past and the tragedy and suffering here, it is to try and ensure that it does not happen again. It is also about highlighting a large group of people. On Monday morning you may wake up to the radio in Belfast and listen to Radio Ulster and hear about one petrol bomb that went through one window in Northern Ireland. What you do not hear is that over the weekend thousands of people were involved in mixing socially in church, in sport, or in many other different ways, so it is also about highlighting an

awful lot of work that goes on here that is not recognised and seen for what it is but is giving people an opportunity for saying that these things are happening. It is up to each one of us also to start contributing to that. If everybody takes one small step it can make a difference. Part of one of the steps was something that we helped to organise at May Street Presbyterian Church which you may have been made aware of. It really came out of a conversation where, as the Chairman of One Small Step, I was invited to a Gaelic Association dinner in Ballycastle. It was their centenary dinner. I am from a Unionist background but also a sporting background, so I was invited to it and I went to it and I ended up sitting beside a person called Harry Boyle, who was one of the photographers there. I was talking to Harry and his family. It was a very good evening. Harry told me the story as I sat beside him where he said that his brother had been killed during the Troubles, so I pressed him a bit further. What happened was that Harry was 16 at the time and his elder brother, as you have perhaps seen from the documentation, had found a cache of weapons in a cemetery in Dunloy. He had told his father. His father had then told the police and the police had then told the army and the army had then staked it out. Harry’s brother, like any young fellow, had gone back to have another look at the weapons and

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in doing that the army shot him. Harry was 16. He had just lost his elder brother. As Harry then went on, he told me how it had affected him and the fact that a lot of people then started to work away at him. In many ways people were saying to him, "Harry, we can help you do something about this". He said he hated Unionists, he hated Protestants, he hated the police, he hated the army and this hatred was building up. His father recognised this and very wisely grabbed him before he did anything too serious and sent him off to the United States. Harry went to the United States, initially for two months but stayed for eighteen months. It broke the cycle. Otherwise Harry could well have been another statistic in Northern Ireland. I just thought it was a very important story. May Street Presbyterian Church had been trying to get involved in various work in the community and the opportunity arose whereby they were interested in putting something together as a church where they worked with other churches that they already had links with on a cross-community basis and a cross-religion basis. We put a night together when people came and told their stories to an audience that was receptive to them doing that. It was not about somebody telling the truth; it was just a person telling their story and their version of the truth. We had, I think, two of the most important stories of the Troubles there. One was Harry's and the other was Alan McBride who lost his wife in the Shankill bomb. Alan, as you may or may not know, said, "I do not to detract from the actions of the people who committed that act but what I also blame was the current sectarian society that created their mindsets". Chris was there that night as well and it brought home to me the importance of people getting the opportunity to tell stories. Harry had never told his story before and it was important to him that people had heard that story about his hurt and his loss, but at the same time everyone was learning from Harry telling that story and we were all a lot wiser after that event. There was also Michael McGoldrick whose son was shot dead by Loyalists who told his story with grace and set an example to us all. There was a very moving story by Sean Hughes, a policeman, who was shot in 1970, spent three years in a coma and is still extremely disabled and was just about able to tell his story. He spent another two years coming out of the coma and is still in the home where he has been since 1970 but yet told his story without any bitterness. Sir Kenneth Bloomfield was there that night as well. It brought out a lot of emotions in others.

Dr Gibson: I would echo what Trevor has said. We live our lives through conversation. We are having one this morning, although it is a bit one-sided.

Q563 Chairman: No; we have come to listen.

Dr Gibson: Listening is part of that, is it not? We have seen it in action as Trevor has very eloquently described. If people hear others' stories it is one of the ways of alleviating their own pain but it also enlightens the listener who may not have seen it from that angle at all. It is part of the process of reconciliation that will need to take place after the conflict that has been and—I was about to say gone

but has not; it is still very much apparent. We need means of communication to try to lower that. Conversation and story telling are very Irish things. We believe that story telling is one of the ways of doing that. I might just reflect back to the commencement of One Small Step. Story telling is only one part of that. The people who sat round the dinner table one night talked about what we might do as individuals. It is an individualistic exercise, each person in this place needs to take their own step based upon their own experiences to try and bridge the gap, but they cannot do that alone. Each of us was Chairman of an organisation. I happen to be Chairman of the Civic Forum which is currently in suspension but at that stage it was alive and active and that was one of the objectives of the Civic Forum, to try to create safe space, to have those discussions albeit, for only too short a period. The idea of having a space in which those discussions could take place was important. Each of us as Chairs of the Sports Council, the Arts Council, the various voluntary organisations, were the people around that table that night, and said, "We could get that to happen in our organisations and if we all did this through a network the impact on individuals would be quite wide and it would create an atmosphere of dialogue and discussion and if we could do that between people who maybe have not even thought of talking to each other, never mind meeting each other and having a serious discussion about real issues which impact upon each of them and which are not considered to be safe to have, then that would be a good thing to do". That was 18 months to two years ago. That of course has developed into the movement. It is not an organisation; it is a movement of individuals. There is a media campaign which is currently running, costing some £120,000. It will run for a month and will encourage people through the medium of television and posters to think about this at an individual level to take their own step.

Q564 Chairman: Who has funded that?

Dr Gibson: We have collected £120,000 together as a group. It has been done through the Community Relations Council although we collected the money and we are doing it with their assistance.

Q565 Chairman: Have you had any government money?

Dr Gibson: We have, yes. We have been to see the Secretary of State and he has generously supported us. He told us we could not do it all with government money, that we needed self-help too.

Q566 Mark Tami: You have talked about story telling and the importance of that, but that is very much dealing with the past. How do you think it is important to encourage people to focus on the future and, if so, what can you do to help or encourage that?

Dr Gibson: Taking One Small Step is about taking it towards the future. Why would you do that? Because, as Trevor said, it is about a shared future. That is the only future to be seen in Northern

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Ireland, I believe. If we live as two tribes, or maybe even more than that because other people are coming to join us now from outside and we have got a racist issue now to deal with as well, then this is not going to be a happy, profitable or pleasant place to live in. It is about a shared future.

Q567 Mark Tami: People will also have a different view of the past.

Dr Gibson: Absolutely.

Q568 Mark Tami: How do you try to counter that?

Mr Ringland: You do not adopt the ostrich approach to it. There is an awful lot of tragedy out there, an awful lot of hurt, and so you have to deal with it. Some people in particular need an opportunity to at least express to others what they have suffered. That can be done in a number of ways but story telling is a very simple way and it is a way of telling their story to a receptive audience and also getting the opportunity to listen to others. There are people who are victims and who are held back by their past but there are other people who are driven forward by that past towards that shared community. Which are you going to have as the driving force? Is it those who are held back or those who are trying to say, "We need to build a better future". If you listened to Alan McBride, if you listen to Harry Boyle, if you listen to Michael McGoldrick and if you even listen to Sean Hughes, what they are trying to say is, "This is what happened to us but we want to build a better future". When you listen to Donna McGillian, who was at the launch of One Small Step, she sustained serious injury in the Omagh bomb. You might remember her. She is badly scarred and her husband Gary was very badly injured as well. Donna describes herself as a survivor, not a victim. There is an awful lot of hurt out there and people will find their own level of how they deal with it. Some people might take time to come to that and some people might not want to deal with it. You are not asking them to get involved in reconciliation. You are not saying, "You have to sign up to reconciliation".

Q569 Mark Tami: Should reconciliation be victim centred?

Dr Gibson: No. A lot of things need reconciling here other than about victims. Victimhood is a badge that people wear and it is a terribly comfortable badge to wear. That we have to get across, that that dialogue needs to take place where people feel that they are fitting in. I can see that happening to the people that Trevor spoke about. They were able to tell their story and there were people in the audience who went up to them afterwards who would not otherwise have done it and that surely is building the future. What would scare me rigid, and I can say this with a lawyer sitting beside me, would be to have a legalistic, forum-based set piece drama that people could come in and out of and grandstand it. That is not reconciliation. Quiet conversations between people who can open up and say what they really think in their innermost selves—

Q570 Mark Tami: So you would not see a formal structure?

Dr Gibson: No, but that is a personal view.

Q571 Chairman: Would you share that, Mr Ringland?

Mr Ringland: Yes, I would not advise to a formal structure but what I would agree to is a template where you set down certain criteria that have to be met in any meetings that take place, that there has to be a cross-community element to it in the meetings.

Q572 Mark Tami: Would that process not just be based on those who have suffered or the perpetrators but on the whole of Northern Ireland society? Would you see it as wide as that?

Mr Ringland: I think you set up the template and you create a number of situations where examples of it are given and then I think it will find its own life to some extent.

Dr Gibson: Sectarianism is just as objectionable whether it is somebody with a bottle in their hand standing in the road fighting a neighbour or even the next street or somebody in a polite drawing room up the Malone Road, which is the classy bit. We need to create a dialogue in all those circumstances where people start to say, "Do I really need that? Is that a good way to go forward?". I take your point: it is about a going forward position, not a going backwards position. I come from a business background and you could never exist, never mind make money, if you were always thinking about the past.

Q573 Chairman: A number of people have said to us during the course of this inquiry that there would be no point in having even informal groups if all of the perpetrators did not take part, which means all the paramilitaries and, some would say, also the organs of the British state. Do you have a view about that?

Mr Ringland: I doubt if you will ever be able to create a structure whereby you will get everybody to come together and tell the truth. It will never happen. I think that is why you have to look at what it is people want and find some way where people can say to others what has happened to them and then tell the story. One of the problems is that there are a number of high profile inquiries and there is a feeling out there by an awful lot of other people that what happened to them has been ignored. It is as important as the high profile inquiries but there is a lack of attention there. To a lawyer truth is a very difficult concept. Justice is something that is down to evidence and even then it can be a very difficult concept. Reconciliation is something for the individual. I cannot say to somebody, "You should reconcile yourself with your neighbour who has done something terrible to you". It is for them to find it in themselves. You will never get an inclusive inquiry which involves everybody. There are those who will try and ensure that it does not happen. They might say they want it to happen but the last thing they want is a forum in any shape or form. If we want to try and ensure that we do not repeat the last 30 years we also have to learn from the past. One

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of the problems we have now is that our children do not understand what went on in the past and they do not have a way of getting that information. You can see warning signs starting to appear where we are in danger of repeating the past, which is very sad.

Q574 Mr Luke: Thank you for explaining the circumstances surrounding the May Street event. Are you intending to repeat that? The Scots, like the Irish, are great story tellers. At the end of the day some people expect instant healing out of story telling and you do not always get that. What steps do you think we should take next?

Mr Ringland: Are we going to repeat it? As a group we are not going to repeat it because that is not what we are about. We are looking for and encouraging others to repeat it in their own environment, and there are a number of groups who are doing that and have been doing it in the past.

Q575 Mr Luke: Obviously, we have a big inquiry on which we will not get through before the general election. We are looking at the whole issue of peace and reconciliation and we have only got a short time to go on with this but we really want to know what other steps you think would be the initial stages along that road.

Mr Ringland: A lot of work has already been done on this, whether it be elsewhere or here, as to how best to create a story telling forum. The key thing to all of that work is that you make it happen. We can put it out to consultation, we can draw up all sorts of proposals but the key thing is that the template is already there. It has been worked on by a lot of people but what it needs is for somebody to say, "This has to happen". That could be done very quickly. It could be done using a relatively small number of people to fine-tune it and make sure it is effective, and it can then be put out in its package and launched as something which people can take up and use in their own particular circumstances, whether it be in churches or in community groups or whatever. The key thing is that if somebody says, "Yes, let us do this, let us draw it up", it can be very quickly done by a relatively small group of people which is probably the best way to do it. It does not need to go out to consultation because it has all been looked at before.

Dr Gibson: It is about a template of best practice. It is about doing it in a universal way, not as a set piece. I had not intended saying this but I will say it. My name is Gibson. My cousin, Lord Justice Gibson, and his wife Cecily were blown apart on the border. I am, if you like, the second division of the family. They are not my direct family. There have been dialogues about investigating that particular incident and you will be well aware of what the family's views were on that. I do not think from my perspective from inside the family that it would help our grieving process one iota to open that up. We are a robust family and have come to terms with that ourselves in our own way. That is one set of individuals' perspective on it. To quote the Chairman, it is not necessary for everyone to have that opportunity. Loads of people have the capacity

to deal with that in their own way and I think that should be respected and allowed for. That is not to say that we should not form a basis for others who need another process to tackle that, which is why I think you need a very wide spanning set of profiles, set of practices and set of methodologies which many people can adopt which gets support in a way that allows that to spiral itself out and you do not try to design this monstrosity and set it up and dictate to everyone how they will come in and out of it, because, I tell you, the grandstanding will have to be seen to be believed.

Q576 Chairman: That is one of the reasons we are doing this. If one were to go down that road or something approaching it, how can the government help? Do you think this is something which should be done quite separately from anything to do with national or local government? Should we get it back again or do you think there is an input aside from money?

Dr Gibson: That is my money as a taxpayer.

Q577 Chairman: Let us take that as a given.

Dr Gibson: Leadership is also one of the prerogatives of political figures. The shared future is something that I believe any administration here, be it a ruled administration or an Assembly-based administration and governance, ought to promote. We cannot have any government of any shape or form promoting anything other than a shared future on a basis that everyone can participate in. That has been clear to us from 1998 with a document which everyone worked hard for, called the Good Friday Agreement, which forms the basis, as I understand it, for the current government's main thrust and I believe should form any administration's basis. That is not to say we cannot re-interpret it, we cannot ensure that we get best practice involved. To me the shared future is the only basis for it but we could see more proactive promotion of that by the agencies of the state.

Mr Ringland: And keep politicians out.

Dr Gibson: We need you for legislative purposes, not otherwise.

Q578 Mr Pound: Most of us know the campaign Living Life Without Barriers. For the record can you either give us a synopsis of the aims and some indication of the response you have had or, if you prefer, let us have a report if you are doing an analysis of it?

Mr Ringland: There will be an analysis done at the end of it so we will be prepared to share that with you once it has been done. It is early days yet.

Q579 Mr Pound: What is the preliminary feeling?

Mr Ringland: The preliminary feeling is that the profile is getting greater. People are starting to understand what the concept is about. It is very difficult to know what impact you are having. What you are saying to people is that it is about getting on with your neighbour. There is a political crisis here but there is not a crisis on the streets. It used

22 February 2005 Mr Trevor Ringland and Dr Chris Gibson OBE

to be that if there was a political crisis there was a crisis on the streets. People are gradually coming to terms with things. Relationships are changing on this island east-west as well as north-south. We are starting to rediscover things that we had forgotten about. I was at the West Belfast Festival where I was invited to listen to a discussion with Geoffrey Donaldson in a question-time scenario, and there was maturity of debate in that people were prepared to sit and listen but there was also a threat in that the PSNI had to be there and, when the organisers stood up and apologised for the PSNI being in the room because they had to be there, out of 800-odd people one person walked out and the rest accepted it. You can see things happening in society. What we do need is leadership and to know where the leadership in our society is taking us. That is at many different levels—politicians, churches, community group leaders. We have had councils signing up to support One Small Step, and that has been the whole council right across the political spectrum. As to what impact we are having in our campaign, we are doing an evaluation on it but it is raising its profile and people are understanding what it is about.

Q580 Chairman: We would be very interested to see your evaluation when you come to do it.

Dr Gibson: We did some initial market research and what that told us was that if 55 or 60 per cent of people see it six times or more—and 95 per cent of the population will see it during our campaign—it will impact them and they will start to get to the point you are talking about, the action stage. We believe the penetration it would get is reasonable and that we will make an impact. As Trevor said, what we will then do is try and measure that. At the moment we are getting quite a number of telephone calls and e-mails because we have also been putting that out to e-mail addresses, about “What have I done? What step have I taken?”, and that has been flowing in. We are trying to respond to that but again it is about capacity. We are a one-woman organisation, Lesley, who is not with us today, and the rest of us are packing in behind that.

Mr Ringland: We are not massively funded.

Q581 Mr Pound: Point taken.

Mr Ringland: One of the frustrations is that in 1998 people on the whole endorsed the concept about bringing people together and building bridges and to some extent we have paid lip service to that. Here if you press the wrong buttons you get a bad reaction; if you press the right buttons you get a very good reaction, like with the Tsunami appeal. In two weeks you had a million pounds going into a wooden barrel outside a church in the street in Belfast. I can tell you now there were traffic jams, queues of people. That is the true character of the Northern Ireland people. However, I do think we have paid lip service to the shared future concept.

I think it needs to be more actively promoted. It needs more funding. If I was given £70 million, which appears to have been given to certain other organisations towards a shared future, I could have a reasonably good go at it. Even if you talk about the First World War, the fact that the troops fought side by side, these relationships that could have been quashed for many years have now been rediscovered and people are starting to relax a wee bit more about things. We need something to keep that concept of building bridges. It is about understanding the past but we need a more positive outlook for the future. We need that to be kept going in some shape or form. We are feeding into Community Relations Week as well on 7 March during which we hope a lot of examples of people doing things on a cross-community basis will be shown.

Mr Pound: I am sure you are aware that Living Life Without Barriers has been picked up internationally. There are now references not just beyond these islands but beyond Europe. Just finally for the record, do either of you feel that the concept of a truth commission has any validity?

Chairman: I think we had a very robust answer to that.

Q582 Mr Pound: Just for the record.

Mr Ringland: As a lawyer I would love to have a truth commission.

Q583 Mr Pound: Point made. That is an excellent answer!

Dr Gibson: One of the other aspects is education. I am a trustee of the Irish School of Economics who have been putting a lot of effort into training people in reconciliation studies. What we have been growing, if you like, is a number of skills and techniques in people who are available. It is not that there are not people available to do this work; there are, but they need to be orchestrated, co-ordinated and then left.

Q584 Chairman: Gentlemen, thank you very much for coming. It has been very helpful to hear your perspective which is not a million miles from the conclusions that the committee has started to come to.

Mr Ringland: Thank you for your interest, gentlemen. It is not appreciated sometimes by the people in Northern Ireland the amount of interest that people in the rest of the UK do take in our affairs. It is appreciated and your concerns are most welcome.

Q585 Chairman: We do our bit on this committee to try and replace the democracy that you have so far not quite got a grasp of.

Dr Gibson: We will get there.

Chairman: You are getting there. Things are changing.

Wednesday 23 February 2005

Members present:

Mr Michael Mates, in the Chair

Mr Roy Beggs	Mr Stephen Pound
Mr Gregory Campbell	The Reverend Martin Smyth
Mr Tony Clarke	Mr Hugo Swire
Mr Stephen Hepburn	Mark Tami

Memoranda submitted by Disabled Police Officers' Association Northern Ireland

I am sorry that this submission has passed the deadline of 31 December due to office closing over the Christmas period your letter was not opened until 4 January. I would like to have had more time to compile this reply, I notice that the press notice was issued on 4 November; I must have missed the announcement somehow?

I am slightly puzzled about one thing however, is this inquiry running simultaneously with the programme announced by the Secretary of State in May or collectively with his initiative? Perhaps you could let me know.

On the following pages I will outline this Association and the work that it does for its members. We are a unique organisation as we are the only organisation that represents the needs of individual police and ex-police officers and their families who have been injured and traumatised by the "Troubles".

I do not know whether or not the full submission will be read or if anyone will take on board or even understand what we at the DPOA are trying to do. I look forward to hearing back from the committee in the near future.

DISABLED POLICE OFFICERS ASSOCIATION NI

Established May 1983

Membership criteria

Members must have received Serious Permanent Injuries while carrying out policing duties.

Membership data

Current membership 198/550 includes spouses, carers and dependent children. 80% of members injured as a direct result of Terrorism both Republican and Loyalist

Injuries range from:

- Severe Brain Damage.
- Triple amputee.
- Double/single amputees.
- Loss/impaired vision including loss of one or both eyes.
- Paraplegia.
- Tetraplegia.
- Severe mental breakdown.

Services provided or organised by the Association

- Psychological/Trauma management.
- Training and education.
- Members Days.
- Members visiting service.
- Timeouts.
- Art Classes.
- Monthly circular.
- Memorial Services.
- Other events.

Extract from Survey carried out August/September 2004

SECTION FIVE—PEACE AND RECONCILIATION

	<i>Disagree</i>	<i>Agree</i>
Would you support a Truth and Reconciliation Commission?	70%	30%
Would you agree to an Amnesty for perpetrators of the troubles?	98%	2%
Do you see the full implementation of Good Friday Agreement as a solution?	87%	13%
If you voted in favour of Good Friday Agreement would you still do? ²¹	23%	7%
Do you believe the Government is doing enough for victims?	93%	7%

COMMENTS MADE BY INDIVIDUALS

“A truth commission would be a witch hunt set up to appease Nationalists”

“The only people who would be asked to tell the truth would be the Government and the Security Forces”

“The release of the prisoners was tantamount to an Amnesty”.

The majority of the members did not vote to accept the agreement in the first place.

“The recommendations implemented in the agreement were all in favour of one community”

“The Disbandment of the RUC, the prisoners release, Sinn Fein in government, and still no decommissioning”

“50/50 recruitment does not encourage young Catholics to join the PSNI, but hinders young Protestants whose ambition was to become a police officer”.

Victims of the Security Forces have been treated deplorably, first the hurt and the pain of losing and later the tarnishing of the good name of the RUC.

To many this appeared to be a “hatchet job” by Chris Patton, a lot of people also believed rightly or wrongly that the George Cross was awarded as a sweetener to soften the blow that Patton was to inflict.

At first the members out of loyalty to the force that they had risked their lives in the service of, resisted the changes to the police service, some have come to accept the change as inevitable and now support the officers of the PSNI and the governance of the Chief Constable who has a very difficult job to perform.

The Government, however, has done nothing to support our victims.

On recommendation from Patten, John Steel was commissioned to carry out a consultation with the widows of murdered police officers and officers injured in the Troubles.

On paper this looked to be a genuine effort to assist those who suffered emotionally and financially through their service in the RUC. This fund known as the Northern Ireland Police Fund was set up but turned out to be a farce.

Within one year of operating the Chief Executive and the Senior Assessment Officer were arrested, some 13 months later the investigation into the case is still on going, our members who were clients of the fund have never been told what happened, nor have the Directors of the Association who represent the disabled clients.

Having appointed their third Chief Executive in as many years, a Civil Servant with no experience of working with victims or the disabled, the fund is underachieving, it is not operating as per the guidelines recommended by Steele in his original report, nor has it started to implement the recommendations made by Steele in his review issued in October 2004.

Means testing was introduced in the second year of the fund; many officers felt that they were “begging for charity.”

Officers confined to wheelchairs and blind, with no family support are expected to obtain quotes for work before they can be considered.

Recently a man who lost both eyes at age 20 and who lives alone contacted the fund through the DPOA and assistance was required for among other things Dental Re-construction as he had suffered the force of the blast which killed two of his colleagues 20 years previous, injuries which left him suffering pain in his face ever since.

An employee at the fund sourced a Dental Surgeon who could carry out the work and an appointment was made for him. His elderly mother took him to visit the dentist. He had to pay £200 consultancy fees, and was given a cost for the work. His application to the Fund has been set back until he obtains two additional quotes.

²¹ 70% did not vote in favour of the Good Friday Agreement.

This man cannot read the yellow pages, nor can he afford the consultancy fees of £200 that he has to pay “upfront”. Assistance for a cleaning lady was also turned down.

This fund has no set criteria for grants, has published no Annual Accounts or Annual Report. Everything is kept under wraps and recently one member was told after being denied a grant. “You can appeal” he asked what if it was rejected? He was then told that he would have no redress, as it was a private fund. How can this be so when it was a government initiative funded by the NIO?

The DPOA is for some the only means by which they can receive help and advice with everything from pension queries to referrals for Trauma Therapy.

We have two staff and no government funding, with the exception of 80% of the salaries funded by the police fund, with no guarantee of continuity.

We have to generate our own income, which entails hours and hours of additional work for the staff, as well as devoting the time needed to our members. Yet the Government have done nothing to assist us.

Members of the Police Family feel totally betrayed by this government. How can our members who were cut down, many in the prime of their lives, be expected to look forward and consider Peace and Reconciliation when they are being treated so shabbily by a government who does not give recognition to the sacrifices that the men and women of the RUC made and also to that of their families who bore the wrath of “both” communities in this province?

The members of the policing family realise that for many details of the circumstances in which they lost family, friends and colleagues or who were permanently maimed will never be known.

Many of the widows and parents are pleased with the PSNI response to the Police Federations’ call to re-examine the unsolved murders, others ask the question what will it achieve, under the Good Friday Agreement those brought to justice will serve only a minimum sentence and will be soon be free to join their families again.

THE NEW INQUIRY

We have over the past year looked at ways at which we can encourage our members to move on and look to the future.

The following is a list of issues that need to be addressed by us with the support of government:

Exclusion

The current security situation does nothing to reassure our members of the safety of themselves or their families. This is borne out by the security breaches in Castlereagh, Stormont and the Royal Victoria Hospital and indeed the Northern Ireland Police fund.

Severing and ex-members of the police are restricted to where they can live, often ostracised by the other perceived communities, that is republican and loyalist in the province.

Trust

Children who for some many years had to lie about their parents’ professions are still today afraid to disclose this information especially in higher level education.

Former and serving police officers must be vigilant about home security, tradesmen that they use, hospitals that they attend, even places of entertainment for fear of evidence-gathering for future use.

Hardship

When addressing the needs of the widows and injured officers within the Patton Report, adequate provision was made for the pre-1982 widows, and indeed additional funds were awarded to them. This money was deducted from the allowance made to the Police Fund. Other organisations also received funding from the Fund, that is the RUC Benevolent Fund, The Retired Police Officers Association and the GC Parents Association. While I wholeheartedly support these excellent organisations, the funding of these diluted the funds made available to the disabled.

One category, which Patton’s Report seems to have overlooked, is that of the Reserve and P/T Reserve. Any member of the Reserve who was injured pre-1988 and retired on medical grounds was not entitled to a Police Pension.

Also any member who was injured whilst off duty was not entitled to an Injury on Duty Pension, even though they were targeted because they were members of RUC. Many received injuries so severe that they were unable to continue with their normal employment.

Those who were injured off duty would not be entitled to Industrial Injuries Benefit or to assistance from the Police Dependents Trust, who assist only those who are injured carrying out policing duties.

This has contributed to great hardship for many, to ask for help from the Police Fund is demeaning as it is now means tested and intrusive, and members have in the past had photographs taken in their homes by Fund staff to prove that the work was carried out, when the fund could not find the invoices submitted by the disabled officer.

If the government addressed the issue of the widows surely it could now address the issue of the Reserve.

Also those whose lives were irrevocably changed at an early age, who had only several years service and for whom compensation has long since dissipated, many of these now survive on meagre pensions due to that short service.

We strongly agree that there should be a form of means testing, it should be based on length of service, rank and pension and retirement packages.

Why should an officer who has earned 25-30 year's salary, retired with a wholesome pension and severance package, who applies for a retrospective Injury on Duty Pension and applies to the Police Fund, receive that same assistance as someone living on the breadline?

Of course there should be a form of financial assessment, but it should be carried out in such a way that proud people don't feel that they are begging.

If government addressed hardship it would give the victims encouragement and would also be a form of recognition for their sacrifices.

RECOGNITION

There are two issues around this very sensitive area.

1. Recognition by the government of the integrity, devotion to duty, and the sacrifices made by the members of the RUC and their families.
2. Recognition by the people who they served.

Government could address the first issue by reviewing the assistance provided to the disabled. This would include a skills and managerial audit of the Police Fund and the pledge to assist and support the most disabled for the future.

Also many believe a medal could have been presented to those who had been injured, a form of recognition that could be worn with pride.

These two suggestions would go a long way to easing the physical and psychological pain suffered by our victims.

In as far as recognition by the communities, this will prove to be a greater challenge and one we at the DPOA have already begun to address.

External partnerships/projects including Peace and Reconciliation

One Small Step

This organisation aims to bring together victims from all communities to tell their stories and to listen to the stories of others. At a conference held in May Street Presbyterian Church on 19 May Mr Sean Hughes told his moving story to an assembly of invited guests. Other stories told on the evening were that of Michael McGoldrick, murdered in Lurgan by loyalists, a brother of a young man shot dead by the army many years ago, Alan McBride, whose wife died in the Shankill Bomb. We hope to continue the connection with this group in the future.

Gaslight Productions

This film company based in the Bogside have been working on a programme known as "Epilogues" the purpose of this project is to compile a DVD of victims and their stories, encompassing every community and circumstance. Interviews with victims and perpetrators were filmed for what would hopefully be a tool used in Schools and Communities to illustrate the suffering experienced by all "victims". Three disabled members of the DPOA contributed to this enterprise. This pilot for the programme was launched in October 2004.

Mint Productions

This company were researching the effects on policing of the UWC strike, unable to source any information through the PSNI we were able to provide information and arrange a former Chief Superintendent to be interviewed.

Towards Healing and Understanding

The Secretary (a disabled ex-police woman) and I attended a three-day residential entitled "After the fighting stops". Among the 90+ delegates were representatives from almost every community in our province and the Republic, these included former loyalist and republican prisoners, British Army representatives, serving PSNI officers, Community groups, and also representatives from Columbia, Palestine, South Africa and Native American Indians from the USA. It was very challenging but we believe a worthy exercise.

Our group comprised the widow of a police officer who eventually died as a result of his injuries, the wife of a ex-police officer severely injured in 1981, the wife of a serving police officer, a former policewoman who is confined to a wheelchair (injured during PEACE). I also attended as the daughter of a disabled officer and sister of a serving officer and someone who has lost many friends to the trouble.

We met with women from the Republic and from Londonderry and others who had been affected by the troubles. The dynamic of the group was Catholics, Protestants, Police families and Victims of Terrorism.

So successful was this project that we hope to follow on in February with another residential.

To date we had 19 attendances at cross community projects. This number may be comparatively small to onlookers but it is a major achievement for our organisation. We hope that as the work continues that more and more of our members will participate. However for some this will never be possible until they have reconciled themselves to what happened to them and this will take time, therapy and financial aid.

My job is to source opportunities for serving and ex-police officers within our membership to talk about themselves, to tell their stories to other communities, to show the person that many people in working class areas do not recognise behind the uniform, and for our members to listen to others who have suffered and who like them want an end to the violence.

CONCLUSION

Immediate ways to help our victims move on

- Additional financial aid to those who were traumatised and injured in the troubles.
- Recognition of those who suffered financially by having their careers cut short.
- The Northern Ireland Police Fund to be replaced or managed professionally by qualified staff.
- Funding made available for medical and psychological treatment without means testing.
- Presentation of a medal in recognition of their service to the Community.
- Government Support to this and other police support associations, therefore freeing up valuable time for the staff to help the members and to work more in the community rather than be tied to a desk completing endless funding applications, doing never-ending returns to produce statistics and spending evenings and weekends manning stalls to sell memorabilia to raise funds.

By providing this support we will continue to endeavour to meet with other communities, hoping that one day we will try to reach some form of mutual understanding. We believe that story telling and not a truth commission is a way for all victims to have their say, carried out without fear of recrimination or retribution. However this will apply only to those who truly wish to move on and not keep looking back.

6 January 2005

Memorandum submitted by the Northern Ireland Veterans Association (NIVA)

NIVA has developed out of a care vacuum whereby the ongoing emotional, psychological and social needs of Northern Ireland veterans and their families have not been met by other ex-services organisations. NIVA believe that those members of the British Army, and their families, are as much victims of the conflict in Northern Ireland as are other groups which are receiving widespread acknowledgement, assistance and financial support. A very real sense of abandonment and alienation is felt by many veterans, as well as by the families of those who have been killed whilst serving during the troubles.

1. BACKGROUND

The Northern Ireland Veterans Association (NIVA) was formed in January 2003 by a group of British Army veterans who had served in Northern Ireland. It is the primary organisation representing the needs of veterans of the Northern Ireland conflict. It is a non-governmental, non-political organisation which is run by volunteers and is funded entirely by voluntary donations, primarily from its founding members, committee and general membership. NIVA is currently working toward charitable status.

(a) *Membership*

NIVA has a paid membership of 127. It has 402 registered to use its on-line chat room, called "The Forum". In the month of January 2005 it had 129,389 hits on its website (www.nivets.co.uk), with an average of 115,000 hits per month.

2. AIMS OF NIVA

To meet the needs of its membership and all military veterans and their families affected by the conflict in Northern Ireland. To provide advice, assistance and support with remembrance; reconciliation; coping with the effects of post traumatic stress; emotional and psychological recovery.

3. NIVA'S CURRENT WORK

(a) *Communication and Website*

NIVA is committed to ensuring that its members are made aware of all agencies that they may benefit from. However, it is clear from the feedback of our membership that veterans in particular, require an organisation that is run by veterans, ensuring that basic considerations such as security and empathy are fundamental to the values of the organisation.

The NIVA website exists to provide a first point of contact with veterans and provides information on veterans' issues as well as an on-line chat-room which is available to any member of the public. The website as a whole provides a sense of community for all its members. The on-line forum has proved to be a life-line for many veterans, providing mutual support as they come to terms with the psychological effects of their service in Northern Ireland.

The website is being developed to become an encyclopaedia of recorded events from the conflict, from both a veteran and civilian perspective. The "Curtis/Restorick Database" will shortly be launched which is an online database that records stories, experiences and thoughts of those involved in the conflict. There have already been over 100 submissions during its launch and testing phase.

(b) *Welfare*

NIVA has two voluntary welfare officers and a small team of volunteer welfare helpers. The welfare officers are responsible for providing information on veterans' issues and meeting welfare concerns. They work closely with "Combat Stress" (Ex-Services Mental Welfare Society) referring veterans as appropriate. They also have a vital role of maintaining contact with veterans, primarily through email and telephone, but they also conduct home visits.

The role of the welfare team has been proven to be an essential signposting asset to our membership and members of the public. It is clear that some existing ex-services organisations are not reaching all those that require assistance.

(c) *Raising Awareness*

NIVA has been proactive in raising awareness of issues related to veterans through the media both in Northern Ireland and in Great Britain. NIVA is often consulted by the media on veterans' issues relating to Post Traumatic Stress Disorder (PTSD) and military service in Northern Ireland. NIVA has featured regularly in the Belfast Newsletter, as well as in The Daily Telegraph, on BBC Ulster Radio and TV, Sky News and in other newspapers.

(d) *Remembrance*

NIVA has been proactive in promoting the need to nationally acknowledge the service of Northern Ireland veterans and to honour the memory of those who were killed.

NIVA has established an annual Service of Remembrance at the National Memorial Arboretum, Staffordshire, where members of the armed services and Royal Ulster Constabulary killed in Northern Ireland are represented with a tree in the Ulster Ash Grove. This is the only service of its kind and gives veterans, relatives and friends an opportunity to assemble and to remember together.

NIVA has been compiling a "Roll of Honour" of those who have been killed. The roll of honour is essential in ensuring that the list of casualties is 100% correct. Over the 18 months since this was launched hundreds of amendments and additions to the list have been received.

(e) Meeting Other Conflict Victims & “Ex-Combatants”

NIVA has been the leading organisation in the participation of veterans in meeting other victims from the conflict in Northern Ireland. Members of NIVA have participated in dialogue and story-telling events in Northern Ireland, Great Britain and the Republic of Ireland. Dialogue has also been conducted with republican and loyalist ex-prisoners, and with members of both nationalist and unionist victims’ groups, and respective communities.

(f) Facilitating Visits to Northern Ireland

NIVA has facilitated the visit of relatives back to Northern Ireland to the place where their loved one was killed. This has been an essential part of the grieving process for them.

(g) Social Events

NIVA has provided social events for veterans, their families and friends. This is an extremely important part of NIVA; it serves not only as a social gathering, but ensures that members can begin or continue the process of talking with others who are in a position to provide empathy from similar experiences.

4. WAYS OF DEALING WITH NORTHERN IRELAND’S PAST

NIVA believes that it is not possible to deal with Northern Ireland’s past without acknowledging the contribution of British Army veterans and without meeting the needs of British Army veterans as equal to all others who have suffered as a result of the conflict.

NIVA recognises that veterans, and the families of those who have lost loved ones, are all at different stages in coming to terms with the way that the conflict in Northern Ireland has affected them. There is no single solution to dealing with the past that will meet everyone’s individual needs. In exploring the way forward there needs to be recognition of the tension between multiple desires which include the desire for truth, the desire for justice, the desire for official acknowledgement, the desire for retribution, the desire for compensation, the desire to grieve, the desire to empathise, the desire to move forward and the desire for forgiveness.

Reconciliation takes different forms and can happen at different levels. NIVA has highlighted some of the different aspects of reconciliation in its work to meet the specific needs of veterans and the families of soldiers who have been killed. These are as follows:

(a) Reconciliation with Veterans

Some veterans need to be reconciled with each other. This will help them to come to terms with their past. Many veterans need belonging and comradeship, and to be with other veterans who have shared the same experiences. Many veterans claim that they are not understood by people outside of the armed services.

NIVA requires support in setting up regional groups across the United Kingdom where veterans can assemble, share stories and support each other. It is NIVA’s experience that there is no “best practice” in this area: many civilians who are currently working with veterans appear to be out of their depth faced with the particular needs, background and experiences of veterans. Research has shown that veterans need to be supported by, and where necessary managed by, other veterans. This provides a vital sense of security and comfort for veterans, allowing them to achieve a level of trust during the process of healing and reconciliation with their past.

(b) Reconciliation between Veterans

Reconciliation is required between different regiments of the British Army, and between the British Army and the Royal Ulster Constabulary. Some veterans are resentful and bitter about past behaviour of other regiments and the police in Northern Ireland. A typical response might be: “We were the ones left to pick up the pieces when you left”. Many veterans are bitter and resentful about decisions made by senior officers and politicians that they consider to have prolonged and exacerbated the Troubles. NIVA is hoping to work in future partnerships with police and regimental associations in Northern Ireland.

(c) Reconciliation with Loss and Memories

Some veterans and families of those who have been killed need to be reconciled with their memories and their loss. The members of NIVA require ongoing official acknowledgement of NIVA’s annual Service of Remembrance at the National Memorial Arboretum, and support in the form of the presence of representatives from the Ministry of Defence and government at this service. An ongoing recognition at the

highest level of the lives lost and injuries sustained by the British Army and crown services is essential to help to counter the sense of abandonment and alienation experienced by many veterans and the families of those who were killed or injured.

NIVA is hindered in reaching many bereaved families as neither the regiments nor the MOD have their contact details. This became evident at the original Ulster Ash Grove dedication service when only approx 400 people attended compared to the 4,000 expected. Some veterans and bereaved families have still not been made formally aware of the existence of the Ulster Ash Grove.

(d) *Reconciliation with Locations*

Some veterans and bereaved families need to be reconciled with geographical locations in Northern Ireland where they suffered traumatic experiences and where family members were killed. NIVA is currently pioneering this work, and will need financial support for this to continue.

(e) *Reconciliation with Communities in Northern Ireland*

Some veterans and bereaved families need to be reconciled with the people of Northern Ireland. Members of NIVA have already been involved in programmes which have brought veterans together with victims of the conflict and other ex-combatants. NIVA is currently pioneering work in this area, aiming to work in partnership with other victims' groups in Northern Ireland for the mutual benefit of all involved parties.

(f) *Reconciliation with the Truth*

Some veterans and families need to be reconciled with the truth. There are many cases where no one has been brought to trial for killing a British Army soldier or a member of the Royal Ulster Constabulary. There is no reason why investigations into the deaths of civilians should take precedence over the deaths of soldiers or police. There should be an acknowledgement of the equality of human rights for all victims of the conflict.

Whilst NIVA fully supports the "peace process", it is felt that the voice of the British Army veteran has never been taken into account—nor has the sacrifice ever been formally acknowledged by those who veterans formally opposed.

Other victims' groups in Northern Ireland have been funded to hold consultations with their members, and to educate them truth recovery processes. NIVA is not aware of any process of consultation or education with British Army veterans.

There are mixed feelings about a truth recovery process amongst veterans. Veterans are suspicious that any such process would be for the political benefit of certain parties, and would not benefit veterans at all. Other veterans wish to see senior commanders and politicians held to account for decisions that were made that appeared to show no regard for the lives of soldiers, or which seemed to worsen the situation in Northern Ireland. Some families of soldiers who have been killed feel that they require the truth to be able to move forward and leave the past behind.

There is a real danger that, without proper warning, consultation and education, veterans and bereaved families will be re-traumatised, or have old wounds "re-opened". It has been very difficult for NIVA members, bereaved families, and veterans in general to see the Government making concessions to republicans through the peace process. It is has already been hard for former soldiers who risked their lives in Northern Ireland to see representatives of those who were supposed to be their enemy, and who tried to kill them, now welcomed to 10 Downing Street.

Veterans do not want to be "scape-goated", or used by others for political gain. It is unacceptable to assume that the Government or Ministry of Defence will be able to call veterans to participate in any truth recovery process without any prior consultation or education about the advantages or disadvantages. Veterans should not be treated as dehumanised contributions to a process, but rather as equal participants alongside all other victims.

5. RECOMMENDATIONS

(a) *Acknowledgement*

- (i) NIVA would wish the Government to do more to acknowledge the contribution of British Army veterans to recent peace in Northern Ireland; the suffering of all those who have been injured; as well as the needs of grieving families. There should be ongoing official acknowledgment of the annual NIVA Service of Remembrance with participation at the highest level by the Ministry of Defence and the Government.
- (ii) The Ministry of Defence should be urged to release a comprehensive list of those who died during the conflict in Northern Ireland, in order that they can be remembered with dignity by their comrades, and so that their families can recover the honour that is linked to service in Her Majesty's Armed Forces.

- (iii) Longer established veteran agencies should be encouraged to operate an open door policy, particularly with regard to established national memorial services. Newer organisations, including NIVA, should be encouraged and supported by these agencies in taking in part in such events to ensure that the profile and suffering of those that experienced loss during the conflict is acknowledged.

(b) *Funding*

- (i) It is recommended that NIVA receives funding alongside other victims groups in the United Kingdom. NIVA requires funding to support a full-time administration team, and also needs development funding. For example, NIVA needs its members involved in welfare to receive proper professional training.

(c) *Mutual Support and Education*

- (i) NIVA should be supported with development funding to establish regular residentials for veterans, working where necessary in partnership with other agencies such as the Ex-Services Mental Welfare Society (Combat Stress).
- (ii) There should be development of an education programme aimed at the public at large and community groups where the veterans can share their stories in order to educate adults and children on a key part of their national history.
- (iii) There should be a comprehensive programme of consultation and education for veterans and bereaved families prior to any decision on a truth recovery process.

(d) *Remembrance, Recovery and Reconciliation*

- (i) NIVA should be given development funding to facilitate the return of veterans to places in Northern Ireland where they suffered loss or traumatic experiences, and also to facilitate dialogue and encounters with the different communities and conflict participants in Northern Ireland.

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Memorandum submitted by Combat Stress

The Society wishes to submit an associated issue related to the above enquiry.

The Ex-Services Mental Welfare Society is the only ex-Service organisation which deals with Service veterans suffering from psychological injury. In its work in Northern Ireland it provides welfare support and treatment for many hundreds of ex-UDR and RIR home service soldiers suffering from PTSD. The ability of the Society to deal with this problem is hampered by the reluctance of these security service veterans to present to the Health Services for treatment, not least because of their pre-occupation with personal security issues. The Society predicts that the numbers of home service veterans requiring specialist support will increase with the eventual downsizing of the home service battalions of the RIR.

There is, in view of the Society, a need to examine the case for the provision of a specialist centre for these veterans similar to that already provided for the Ulster Police Force (PRRT), and to identify what else needs to be put in place to help this element of the Security Services who so far appear to have been forgotten.

25 November 2004

Witnesses: **Mrs Ann Boal**, Disabled Police Officers' Association Northern Ireland; **Reverend Andrew Rawding**, Founding Member, Northern Ireland Veterans' Association; **Mrs Gillian Grigg**, Public Relations Officer, and **Mrs Rosalind Dillon-Lee**, member, War Widows' Association of Great Britain; and **Commodore Toby Elliot**, Chief Executive, Combat Stress, examined.

Q586 Chairman: Good afternoon. As you know, we are looking at some options on possible ways forward for reconciliation, ways of dealing with Northern Ireland's past with a completely open mind. We spend most of our time listening to victims and victims' organisations, which in a way covers you as well. We are meeting in private, although our evidence will be published. Given that we think probably there is going to be an election in the not too distant future, we will be making an interim

report, probably at the end of March, and publishing the evidence that you and others have given us so that everybody can see how far we have got and what views we have received. You are representing four organisations. Could you briefly tell the Committee what is the main objective of the organisation you represent?

Commodore Elliot: I am Toby Elliot and I am the Chief Executive of the Ex-Services' Mental Welfare Society, otherwise known as Combat Stress. We

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have been going since 1919. We care for veterans of all three services suffering from combat-related psychological injury, nationwide.

Q587 Chairman: Is there any particular facet of your work on which Northern Ireland concentrates?

Commodore Elliot: Yes. We have about 3,000 active cases at the moment; 600 of those we are dealing with are veterans in Northern Ireland, most of them home service soldiers from the Ulster Defence Regiment and the Royal Irish Regiment. They constitute about 20 per cent of our work. We are particularly concerned about them because they are extremely preoccupied with concerns for their personal security. They are unwilling, for instance, to access treatment through the National Health Service in Northern Ireland, and indeed in many ways are a forgotten group of security service people.

Q588 Chairman: They are unwilling, even today?

Commodore Elliot: Even today.

Q589 Chairman: Is that because of fear of identification, or what?

Commodore Elliot: They believe that their personal security is at risk if they go to their GP or to the NHS.

Q590 Chairman: Do you have a permanent member of your staff over in Northern Ireland?

Commodore Elliot: We have three welfare officers who work, based in Belfast but operating throughout Ireland. Quite a lot of veterans of the Armed Forces of course are living in southern Ireland as well. With regard to treatment, we do two things. First of all, we have our own treatment centre but it is in Scotland. About 15 per cent of this group goes to Scotland with their families for treatment. In addition, we have just started using the Omagh Centre for Treatment and Transformation. We are just starting up a pilot scheme with them to try to treat some of these men who will not go outside Northern Ireland. That has been very successful. We have our own psychologist, who also works with this group.

Q591 Chairman: That is a very interesting aspect of the problem. If, at some future date, we wanted to talk to your welfare officers in Northern Ireland, would you mind that?

Commodore Elliot: That would be terrific.

Q592 Chairman: We turn really to something very similar, I imagine, though not for those with mental problems, the Northern Ireland Veterans' Association, and Reverend Andrew Rawding.

Reverend Rawding: I am Chaplain to the Northern Ireland Veterans' Association. I am a former British army officer myself, so I am a veteran. I served in Northern Ireland for two and a half years in the early Nineties and was involved in a number of significant incidents when friends of mine died and I survived near death experiences.

Q593 Chairman: With whom did you serve?

Reverend Rawding: The Royal Regiment of Fusiliers. I am representing the Northern Ireland Veterans' Association and our aim is to meet the needs of our membership and all military veterans and their families affected by the conflict in Northern Ireland. We provide advice, assistance and support with remembrance, reconciliation and help in coping with the effects of post-traumatic stress disorder and emotional and psychological recovery. We are a support service, a signposting service, to veterans of the conflict in Northern Ireland. That is for veterans across all the services, although primarily our membership is from the Army.

Q594 Chairman: Mrs Boal you represent the Disabled Police Officers' Association.

Mrs Boal: I am the co-ordinator for the North Ireland Disabled Police Officers' Association. Our organisation was set up in 1983 by a few police officers who had been seriously injured in the "Troubles". It went on for 17 years as a support group and managed by volunteers. In 2001, we closed the organisation down and reopened the following day as a company limited by guarantee with charitable status, reverting back to our original constitution, which was to provide benefit to all police officers who had been seriously injured in the service of the Police. Due to a lot of political changes in the last four years, namely when they changed from the RUC to the PSNI, the lack of welfare officers resulted in the Police no longer looking after the needs of ex-officers. It was about then that I was coming on board to work as an employee. We then had to take up the mantle that welfare had looked after in the past. We had 205 members seriously injured with severe brain injury or they were triple amputees, many double amputees, and quite a few had post traumatic stress. Our organisation deals with everything from potential suicides to the provision of artificial limbs. We have a help line. We take approximately 50 to 60 calls a week. Only two of us work in the office. We run eleven different projects, including internal and external reconciliation. Following on from something Toby Elliot said, yes, we find the same thing with perceived security. In the light of what has happened in the last two years—Stormont, Castlereagh and in particular the Royal Victoria Hospital—it would be a joke to ask a policeman to go to see a psychiatrist in the Royal Victoria Hospital. For a start, they will not give their details. Some of our members have PTSD at 70 per cent, so they are in a very high banding, and there may be a few from E4, which would have been covert operations, who cannot go to a doctor they do not know and talk about their experiences. It is the same with hospitals, even for injuries. If someone is limbless it is written on his chart how he was injured. In our organisation we raise funds, through donations and other means, and we vet who we are going to use for medical treatment. Our organisation pays privately.

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Q595 Chairman: What funding do you get from the Government?

Mrs Boal: None.

Q596 Chairman: I should have asked both of you that?

Commodore Elliot: The treatment for qualifying war pensioners is funded if they come across to Hollybush House; otherwise we pay for it ourselves.

Reverend Rawding: We do not get funding from anybody. It is not so easy to say what funding people get from the Government because a lot of organisations in Northern Ireland are receiving funding. They may not say it is from the Government but that it is European peace money. We do not receive any funding from them either. In fact, when we went to the Northern Ireland Office, they refused even to consider funding for us.

Q597 Chairman: You should have said the taxpayer? That covers a slightly wider ambit.

Reverend Rawding: The taxpayer.

Mrs Grigg: I will explain who we are. Both Mrs Dillon-Lee and myself are members of the War Widows' Association. I am the Public Relations Officer. We are a registered charity formed in 1972. We are all war widows or associate members of the War Widows' Association. We work from home. We have no headquarters and no official funding. We are a lobby group and we work with the government of the day to improve conditions for all war widows and their dependent children. We take forward issues with the Government, policy issues and any issues we have concerns about, for war widows. We offer a service to our members as a signposting organisation for assistance, both practical and as a friendship group. We offer each other mutual support. We hold national events and local groups offer support on a local basis. We publish a newsletter four times a year with information about changes in legislation which may affect our members. We also advertise social events and keep members up to date with anything going on that may be of interest to them. We offer support to war widows of all ages from the three services. We have members based in Northern Ireland, many of them UDR widows; we have a group over there and most of those will be UDR ladies. Throughout the UK we have various other members who have been widowed, either in Ireland or elsewhere, through terrorist activity. Rosalind Dillon-Lee is a war widow.

Mrs Dillon-Lee: My husband was killed by an IRA terrorist in Germany 15 years ago. I am a member of the War Widows' Association. We are also starting an Army Widows' Association and I am on the steering committee. I can give you an idea of what life is like on a personal basis.

Chairman: That will probably come out in the questions.

Q598 Mr Hepburn: You have already answered one of the questions in your brief opening about the services your members need and those you provide.

You have also said that your provision is not as adequate as you would like because of lack of resources. What services do your organisations provide that statutory bodies could possibly not provide as well as you do yourselves?

Commodore Elliot: In answer, our point of view is that of course the responsibility for the health of veterans rests with the National Health Service. The provision of social care rests with the Social Services. Because of this preoccupation the veterans in Northern Ireland have with their personal security and because of the very inadequate way that their transformation from being a home service soldier to being a civilian is managed—I think that is still the case today, and it is most certainly true of the people we look after—they are not being connected up. Even if there are attempts to connect them up, they are unwilling to access the services, for the reasons I have given. Part of that is due to their poor mental state. It is very difficult to get someone suffering from post-traumatic stress disorder or deep depression, or whatever it happens to be, to work at his problem and work with a mental health practitioner. That is part of the problem as well. In terms of what we would like, I have worked very closely with the Police Retraining and Rehabilitation Centre. We are very envious of what is being provided for the Constabulary in Northern Ireland. It is an excellent model. We do not believe that the UDR veterans necessarily need all of that, but quite a lot of the components within that programme we believe the forgotten group of security force people, the Ulster Defence Regiment veterans, need as well.

Q599 Chairman: Do you happen to know who funds that?

Commodore Elliot: I believe it is funded by the Northern Ireland Office. There has been a two to three year rolling programme. I heard the other day that they have permanent funding now.

Q600 Chairman: Do you know if it is working to capacity or if it has spare capacity?

Commodore Elliot: Perhaps I can tackle that question from the other direction. We have actually discussed whether or not we should be trying to persuade Northern Ireland that we should come together. We do not believe that the two groups necessarily will mix to advantage. It would be better to set up a separate component of its own rather than going in with the Police.

Q601 Chairman: Why do you say that?

Commodore Elliot: I have to be careful because I am not a Northern Ireland expert. I understand there are some natural tensions between the two forces and that that can come out a lower levels, constable and private soldier level, even as veterans.

Q602 Chairman: I am only asking because obviously it is most cost effective if they are joined.

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Commodore Elliot: That would be ideal. We were really keen to begin with to look at a model in which we shared not only the facilities but also the same programmes.

Q603 Chairman: Who was reluctant: you rather than the Police or the British Government?

Commodore Elliot: I think the Head of that organisation at the time, Brigadier David Strudley, who set it up and has now moved on, and I came to the conclusion as a result of some very detailed discussions about whether the two groups would mix and so on. As a soldier who served in the UDI and having commanded there, he was in a very good position to gauge that particular issue.

Q604 Mr Hepburn: You deal with mental illnesses. Of course, if a member of the public or members of public bodies see someone with a leg or an arm missing, there is immediate sympathy but mental illness is not physically seen. Do you find mental illness is often misunderstood? Do you find yourselves at a disadvantage in that way compared to other bodies dealing with physical disabilities?

Commodore Elliot: I think five or 10 years ago that would have been the case, but we detect that there is a growing public understanding and acceptance of psychological wounding and the effect that has on a person's ability to function. There is not this issue of stigma in the general public. However, it is there within the mind of the soldier. This is true of all the services and undoubtedly one of the things we are struggling with is the military ethos. The stigma about the cracking up issue which makes you a second-class soldier in your own mind, let alone in someone else's, is still a big problem. It is most certainly prevalent amongst the Ulster Defence Regiment veterans we look after at the moment. Many of them are ashamed of the fact that they have shown some form of weakness. Their families are ashamed as well and tend to compound the problem of sheltering them from the big wide world and hiding them away. That is something we battle with the whole time.

Q605 Reverend Smyth: I recognise you answered earlier that as an organisation you are not getting funding from Government. What financial compensation exists for the members of your organisations who have been affected by the problems in Northern Ireland?

Reverend Rawding: My apologies, Chairman. At this stage, could I just ask this? We were asked a question by Stephen Hepburn. One of us had an opportunity to reply.

Q606 Chairman: Anybody who wants to answer should feel free to answer.

Reverend Rawding: Before we move on to another question, are we all going to have an opportunity to speak?

Q607 Chairman: Everybody has not got to answer every question. If anybody wants to add anything then, of course, that is absolutely fine. If you have something to say, please do so.

Reverend Rawding: I would like to add something to what we heard from Toby Elliot. Veterans over here also feel forgotten and not just veterans over in Northern Ireland. They feel alienated, in fact even more alienated I would say, because of their distribution across the country in Britain and also because of just the sheer weight of numbers in Britain. There are about 1.6 million people in Northern Ireland but there could be 7 or 8 million just here in London alone. If you are a veteran, you are more alienated here on the mainland than you would be in Northern Ireland¹. We provide something which statutory bodies do not provide: we are interested in Northern Ireland and in Northern Ireland veterans' issues. Some other ex-services organisations do not seem to be interested; they have enough other veterans to think about. We also provide an expertise that no-one else has, apart from other veterans, because we are veterans and therefore we understand. We have the same problem with GPs, psychologists and psychiatrists who do not understand the position of the veteran and never will because they have never been veterans. We have the same problem of alienation from the Health Service with veterans here in England on security grounds and with delivery of care. Unfortunately there is also a stigma which means that some veterans will not even go to Combat Stress because it is the Ex-Services' Mental Welfare Society. They do not want to be seen to be going cap-in-hand to something which links them to a mental health problem. We are providing some ongoing support for those people. Our volunteers are always there at the end of a telephone, albeit it is not an official help line. We are also raising an awareness of Northern Ireland veterans' issues. We are also focusing on the remembrance of veterans who have been killed in Northern Ireland. We have started a service at the National Memorial Arboretum which is going to be an annual service specifically to remember those who have died in Northern Ireland as a result of their military service. This is apart from services that would happen as a matter of course run by the Ulster Defence Regiment or regiments in Northern Ireland itself. We are not aware of any other service over here in Britain which currently focuses on Northern Ireland. We have had our own problems with one other ex-service organisation in actually having them acknowledge us as an organisation and our need for specific remembrance of Northern Ireland. We are also the only organisation currently that is engaging in a form of reconciliation with the former enemy². There is no other statutory body or ex-services' organisation that we are aware of involved

¹ Some veterans in Great Britain may not be aware of the enormous changes that have been taking place in Northern Ireland. Many are still locked into the past and are often not helped by the portrait that is painted by the media which can promote the perception of an ongoing security threat.

² We are facilitating this in order to help some veterans come to terms with their fears and past experiences in Northern Ireland.

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in reconciliation with people who might be seen as the former enemy in Northern Ireland. I am talking about military ex-services' organisations. I just want to pick up on your point about mental versus physical. We have people with physical injuries but primarily I would say we have people with mental injuries. None of us knows the true impact of those mental injuries. This is a very important point. If you lose your leg, you have clearly lost your leg. If you lose part of your mind, no-one knows. There is a real issue about this and veterans are having to fight to be recognised. One of the problems is that veterans who served in the early Seventies served in a situation where there was no real paperwork; there was no real reporting because it was absolute chaos. Therefore, there is nothing to account for their experiences in the early Seventies. It is problematic for them even to be recognised as having a problem. They are having to vouch for themselves because there was no system as it was so chaotic. The Army had just arrived in the early Seventies.

Mrs Grigg: We provide a unique service in that most of us are military widows, whether from World War Two or more recently. The Army, Navy and Air Force now do provide a much better service for widows at the time of death. A lot of people feel that not very long after the first year has passed the military has forgotten them. Certainly I have spoken to two widows whose husbands died in Northern Ireland in the 1970s very early on who feel that they have been totally forgotten. I think that needs to be addressed by the military in particular.

Q608 Chairman: We are becoming more and more aware as this inquiry proceeds of the difference in treatment of people from the early and mid Seventies to the late Nineties.

Mrs Dillon-Lee: My husband was killed in 1990. I had very good care while I was still in Germany. I stayed there for six months. As soon as I came back to England, there was nothing. I was in contact with the Royal Artillery Charitable Fund and I had some help from them, but that is all.

Q609 Reverend Smyth: We are aware of the fact that public funding has not been supporting you, to put it that way. What about your individual members, what sort of financial compensation have they been able to get?

Mrs Boal: One of the main problems, as you say, involves the Troubles pre-1980. The compensation of some of our members is so pitiful. What some people who could still be working today are paid would not even be six months' salary. That has never been addressed. There is the problem that anyone who was part-time in the RUC and was injured off-duty would not be entitled to an injury-on-duty pension. Anyone who went off pre-1984 did not have a Police pension. We have some members who were severely injured and they do not get anything from the Police. They live on state benefits. We have one member who was shot in 1972. He was the first policeman targeted in his own home. He was shot with an automatic rifle at his bedroom window. Just

recently, I was looking into his financial affairs. He was disowned by his family when he joined the Police because he came from a nationalist background in West Belfast. He was in a coma for three years and when he woke up his wife had gone. I now have power of attorney for him. I look after his affairs where he lives. We were going through bank statements. I realised that his Police pension was £32 a month. He suffers from tetraplegia. He lives in a hospital room in a clinic at 62 years of age. He gets £32 a month because they deducted his injury-on-duty pension from his state benefits. I had to apply for money to buy him a pipe. He had been saving up because he wanted a new pipe at Christmas. We had applied to the Northern Ireland Memorial Fund. He pays £2000 every four weeks, or £500 a week, himself for the care that he is receiving.

Q610 Chairman: Who is his Member of Parliament?
Mrs Boal: I think it might be Hamilton.

Q611 Chairman: The point I want to make is that the committee really cannot get stuck into an individual case.

Mrs Boal: We have a lot of cases like that.

Q612 Chairman: I am sure you have. I am just asking you the question: have you taken that particular problem to the person's Member of Parliament? That has to be the first step.

Mrs Boal: These are rules and regulation. No intervention, unless they change the whole thing—

Q613 Chairman: Unless he has been a victim of the system, in which case Members of Parliament can change things. I am just asking you the question: is it a route you have gone down?

Mrs Boal: No.

Q614 Chairman: May I strongly recommend that you do and, if it does not work, that is up to whoever their Member of Parliament is to make a fuss about it. Individually that is what we are for. What we cannot do as a committee is go into an individual case. Do you see what I am saying? In our day jobs, we are all dealing with these sorts of injustices, trying to get the Government to answer questions and, when they do not, trying to make a fuss if there is a genuine case. It really is for the local Member of Parliament, whoever this individual is, to take it up.

Mrs Boal: Then we will have to take matters up with Members of Parliament for the whole province because we have members living everywhere.

Chairman: If people are clearly suffering like that, then the Government ought to be aware of it. People like Martin Smyth and Roy Beggs are taking this up all the time in Northern Ireland, just as we all are in England. It is a route that very often people do not bother to go down. I strongly recommend that you do.

Q615 Mr Swire: Could I come in on that point? It is depressing that Mrs Boal has not considered going through her Member of Parliament. Can you give

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the committee some indication of how many people you think might be in that category you were describing; that is policemen injured off duty who were in the reserve but not entitled to full benefit?

Mrs Boal: I would say that is 10 to 15 per cent of our membership.

Q616 Mr Swire: Approximately how many people would that be throughout the province?

Mrs Boal: About 20 to 25 people. May I finish on this point of funding? Under Patten the Northern Ireland Police Fund was set up, which is a Northern Ireland initiative.

Mrs Grigg: You asked about what compensation a pre-1973 widow receives. She will receive a war widow's pension. The date of death will be relevant to when they receive criminal injuries compensation. Post-73, they will receive a war widow's pension, a military attributable pension and criminal injuries compensation, and then there may be individual cases which receive money from other sources.

Q617 Chairman: I do know this because I played a part in bringing that change about.

Reverend Rawding: From a veteran's point of view, there is no automatic compensation for veterans. I do not know whether the question is about veterans or relatives of those who have died.

Q618 Reverend Smyth: These are members of your organisations who are veterans.

Reverend Rawding: People have to fight for any sort of compensation they get, which is the war pension. One issue about the war pension is this. In the minds of veterans, if they recover, for example veterans who are being treated through Combat Stress, in their minds, if they recover from their treatment, they are under the impression that their pension will be taken away from them because they will no longer qualify for a war pension. I cannot actually say what the official line on this is. In the minds of many veterans, they have fought to get their pension and, now that they have got it, quite honestly some of them are playing a game in order to keep their pension. The moment they look as though they have improved, it is taken away. I had one specific example where a GP came and did an appraisal on a veteran. The GP had no experience of Northern Ireland and no experience of the military. He asked the veteran a couple of general questions and then said that the veteran was now perfectly OK, yet inside the veteran's mind, he is not OK; he has not worked since he was discharged from the Army in the early Seventies. This is a problem across all veterans regarding compensation.

Commodore Elliot: To answer your question, the compensation paid to a serviceman who is disabled in service, either aggravated or attributable, is a war pension. Of the Northern Ireland veterans we have on our books, about 700 of them, 75 per cent are in receipt of a war pension. Part of the problem with the group we look after is that many of them do not present to us until they have been out of service many years and have gone beyond the seven years

grace time when they do not actually have to prove that their disability was attributable or aggravated by service. For the group that has gone beyond that period, one of the functions of the Society is to help them get a war pension. I have to say that my experience of working with the Veterans' Agency on this is that we are very successful in achieving the war pension which these veterans deserve. The scheme is about to change as of 6 April this year. There is a new Armed Forces Pension and Compensation Scheme. The compensation will effectively award a war pension or some form of compensation to a disabled serviceman. That will not be affected by any improvement in his condition, as has been said. It is true that the war pension can be reduced, or indeed taken away, if the veteran's condition improves to the extent that a war pension is no longer justified. That does work against attempts to treat them to help them improve their condition.

Reverend Rawding: Going back to Mr Hepburn's point, if you lose your leg in a bomb attack and you then run the London Marathon, then arguably you have overcome your problem. Will you lose your compensation? No, because everyone can see you have still lost your leg; you have an artificial one. There is a real issue here between mental and physical injuries.

Chairman: I do not want to stop anyone saying what they have come to say but we have been going 45 minutes and we are at question 2. We have only really allocated an hour, which we are going to go over a bit. Could I please ask you to restrain yourselves a little? As I say, I am not trying to censor anybody but we have a lot of things we do need to try to get on the record.

Q619 Reverend Smyth: I would like to put on record that it is difficult trying to get through to the War Pensions Department and to claim the rights of people, even from the Second World War. I am still fighting for a case in Canada. The point that the Chairman made is that individual cases cannot be dealt with and ultimately they have to be answered. Could I ask for a quick answer? Do you think that financial compensation goes some way, or any way, towards acknowledging the suffering of your members?

Mrs Dillon-Lee: I think financial compensation has two good points. Firstly, as a widow, especially in the early years, you have a lot to cope with: your own grief and your children's grief. If you are given some monetary compensation, that is one less thing to worry about. Also, it is the only way the state can show that it cares about you because in all other respects you are forgotten.

Chairman: Thank you. I think that is a standard answer.

Q620 Reverend Smyth: There has been reference in the evidence of the Disabled Police Officers' Association that there have been problems with the Northern Ireland Police Fund. I have been aware of it. People have received a letter asking them if they have any problems and, when they send something

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back, they are told it does not come under this. Would you like to say how you propose to remedy the situation or how you think we might help to remedy the situation?

Mrs Boal: First, it has to be run by people who are qualified. At the moment, it is being run by civil servants on secondment who have no prior knowledge of dealing with victims or the disabled. The place is shrouded in secrecy at present. For the last six months I have been trying to get an answer from them. We have put in requests on behalf of members and they have been totally ignored. John Steele, on whose recommendation the fund was set up, spent quite a long time with our members consulting for the review in 2004. He made his recommendations. He was not happy about how the fund was running because it did not fall within his remit. Those recommendations still have not been carried out and there is no work being done on the fund whatsoever. It needs to be run by someone who would be empathetic to the needs of widows and the disabled officers. We talked about psychological therapies. When I get a phone call from a man who is crying on the other end of the phone, or a message that a man should be seen at 4 o'clock in the morning, that is when someone has sunk to their lowest. For them to get psychological help through the Northern Ireland Police Fund, and that is one of their remits, they would have to fill in an application form; it has to be submitted and it takes two months before you get an answer, and that is when they do answer. That person could be dead within two months. We work with the Police Rehabilitation and Retraining Trust and also with an outside agency. We can deal with that within a week. They also introduced means testing.

Q621 Chairman: Means testing for what?

Mrs Boal: To apply for assistance. John Steele made it perfectly clear in his original report in the year 2000 that to means test disabled police officers would be to insult them. In the second year, they introduced an application form to be used for means testing. These people now feel that they are having to beg for help. There are some members who were injured in 1969/70 and they are having to prove their banding. There was no Police bandings in those days. I know from personal experience that if a doctor retires and his medical records are archived, our members are having to go to hospital and pay for medical records to show what their initial injuries were. It is the same with the Northern Ireland Memorial Fund. If you cannot find your records through the Police, you have to go to the *Belfast Telegraph* and look for clippings from a newspaper to show that you were involved in a particular incident.

Q622 Chairman: Have you put any of these points on behalf of your association to a Minister?

Mrs Boal: Yes. I had a meeting with Angela Smith two weeks ago.

Q623 Chairman: What has come out of that?

Mrs Boal: Nothing.

Q624 Chairman: Nothing yet.

Mrs Boal: Nothing yet.

Q625 Chairman: What did she say to you?

Mrs Boal: With regard to the Police fund, she said she would talk to—

Q626 Chairman: You put all these points to her?

Mrs Boal: Yes, everything.

Q627 Chairman: As it so happens, I am seeing the Secretary of State tomorrow and I will undertake to tell him that you are waiting for a reply, because that is the least that you are owed.

Mrs Boal: Thank you very much.

Q628 Reverend Smyth: When you say no annual report is published, how would one discover how much money had been paid out?

Mrs Boal: I have asked for a copy of their annual report. As a company I know, because we went through the rigours with our organisation in the past and I asked for a copy of their annual report and their finances, and I was sent a copy of their memorandum and articles of association. So nothing has been sent out.

Chairman: We have the sense of what you are saying, Mrs Boal. I promise you I will take this up with the Minister.

Q629 Mr Beggs: Can I focus at this point on remembrance. I want to ask the group: what more should be done to remember the service of your members by loved ones in Northern Ireland? With what remembrance projects have your organisations recently been involved?

Mrs Boal: We talk about recognition and acknowledgement. These are our two focus words this year in our organisation. Our members collectively have discussed the possibility of a medal, nothing elaborate but some form of recognition. It is said that the Yanks get Purple Hearts when they are disabled. This is a form of acknowledgment. I spoke recently with the Deputy Chief Constable. The PSNI asked what they could do for our organisation. We said, "Ask some of your senior members to turn up at our events". That was all we needed, for them to show that they were still interested. They did a lot more. I have to say we have one hundred per cent support from the current Chief Constable and the PSNI. We thought our members should get a medal to acknowledge their sacrifice.

Q630 Reverend Smyth: To you, Reverend Rawding, will living memorials like the Curtis/Restorick database help to address the alienation felt by veterans of the 'troubles'?

Reverend Rawding: Yes, I think so, providing it receives official recognition. If it is just an internal exercise, what is the point? I think there is a real issue about acknowledgement. We have the Ulster Ash

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Grove. I have not done the research because we just do not have the money to do it but my guess is that there are still veterans who do not know that the Ulster Ash Grove exists. In fact, the lady sitting at the end of this table did not know until earlier this afternoon that it exists. Therefore, there could be a tree there which is in remembrance of her husband and she does not know about it. In addition, 500,000 has been paid to Deloitte to conduct a consultation about memorials. We still do not have plaques at each of the trees at Ulster Ash Grove. Relatives still do not even know about it. Their consultation will end on 11 March and their consultation pack and questionnaire is primarily for relatives. Relatives need memorials but a veteran who actually saw his colleague die, saw the injuries and survived it himself, needs to be consulted as well. Why is half a million pounds being paid to an organisation which has nothing to do with the military but yet no-one is willing to pay for plaques at one particular current memorial and no-one is willing to pay to let the relatives of the people who have had trees planted know that it even exists. The Curtis/Restorick database will just be a nice little project unless someone says that they are going to give some funding because they want to acknowledge all the experiences of military veterans in Northern Ireland.

Q631 Chairman: Have you contacted the Minister responsible for veterans' affairs about this?

Reverend Rawding: Yes. One of our key members whose son was killed in Northern Ireland has campaigned vigorously on these issues.

Q632 Chairman: Have you as an organisation approached the Minister for Veteran Affairs, Ivor Caplan about this?

Reverend Rawding: I do not think formally as an organisation we have done that.

Chairman: May I recommend that you do because you need to put pressure on these people. I am not criticising. He does not know that this is a beef that your members have and he should, and you should tell him. Either he will do something about it or you will be able to complain that he has not. You have not tried these avenues. This is what Ministers are for.

Q633 Mr Swire: Can I ask for some clarification from Reverend Andrew Rawding? Are you saying that you feel that the former colleagues of those killed in Northern Ireland should be consulted in the same way as are the surviving relations?

Reverend Rawding: Yes.

Q634 Mr Swire: Then surely you could be talking about whole companies, platoons, regiments, whatever?

Reverend Rawding: If we are talking about the impact of the conflict in Northern Ireland on people, then we need to be talking about everyone, not just the relatives.

Q635 Mr Swire: What happens to those survivors, families of survivors and colleagues who survived the Falklands, Bosnia and other events?

Reverend Rawding: They should be acknowledged as well but we are talking specifically about Northern Ireland and money is being allocated to various groups and to specific projects related to Northern Ireland. I have talked about a figure of half a million pounds. Specifically in relation to Northern Ireland, this is an issue. I daresay it is a general issue regarding the Falkland Islands and other wars too.

Q636 Chairman: At one stage there were 50,000 soldiers in Northern Ireland. Are you suggesting that all of those should be consulted? We have to look at the practicalities of this, have we not?

Reverend Rawding: Yes³.

Q637 Chairman: It is a pretty firm argument that those who lost loved ones or had loved ones severely wounded are the people who really need to be consulted about the memorial.

Reverend Rawding: I would not want to take anything at all away from any loved ones or relatives. They must be consulted. All I am saying is that there should also be an acknowledgment of the needs of veterans and their need to remember and their need to recover from the impact of their friends dying.

Mrs Grigg: I am most interested in this consultation process because the War Widows' Association has not heard anything about this. My colleague here has not heard anything. We would like to be included when information such as this does go out to ex-service people.

Chairman: It is becoming apparent to us that the consultation and communication is not all that it might be and we shall so report. That is for another day.

Q638 Mr Pound: I think most of the points I was going to ask have been picked up already. I would reiterate the point the Chairman made about actually raising your own profile. I deal with organisations like the Army Benevolent Fund, the Relatives of the Fallen, Soldiers and the Sailors and Air Force Families' Association. The only reason I know about those, except where I have personal family knowledge or personal experience of it, is because they have been to see me as a Member of Parliament. I certainly do not mean to be patronising in any way when I say that the first rule of politics is that the squeaky wheel is the one that

³ Of course there is no need to consult every soldier who has served in Northern Ireland. However Regimental Associations and other veterans organisations should have a reasonable knowledge of who was involved in any particular incident. The use of a civilian organisation to carry out the consultation, and particularly one which is located in Northern Ireland, would discourage some relatives and veterans from giving a response. Many relatives and veterans in Great Britain would not want to send a response to Northern Ireland or be visited by a research team from Northern Ireland. There are issues of trust, security and ongoing welfare support involved here.

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gets the oil. I would advise you occasionally, if I may, meaning no disrespect, to squeak from time to time. Could I ask you collectively about a Victims' Ombudsman? Do any of you feel that there is anything in the creation of a Victims' Ombudsman?

Mrs Boal: I definitely do for our case in Northern Ireland. At my meeting last week with Angela Smith I spoke to her and we are talking about the same issue but she said, "I will have to talk to Mr Pearson". We need one person with a finger in the post to whom we can go directly. When the Victims' Liaison Unit first opened at Stormont, and I think Sir Ken was part and parcel of that, we knew if we had a problem that was our one focus, that we could go there; we could lift the phone and get it sorted out. Now that has been diluted. We have so many different places to which to go.

Q639 Chairman: Except that Angela Smith is the Minister responsible for victims and she has overall responsibility across departments for that. Was she saying that some of this was not her business?

Mrs Boal: She said that the Police Fund, which is a victims' fund, was the remit of Ian Pearson.

Q640 Chairman: That means it comes out of his budget. I think you may just have misunderstood her there. I was talking to her this afternoon. She is very clear that she has the overall sight, or wants to have the overall sight, of all the victims' problems. It may be she has to refer them to another Minister. Mr Pearson is also the finance minister and he has the purse strings, and so everything has to go to him in the end. From the Northern Ireland point of view, that should be the absolute focal point.

Mrs Grigg: I am not quite sure who exactly Angela Smith is.

Q641 Chairman: She is the Northern Ireland Under-Secretary with responsibilities, one of which is for victims' affairs in Northern Ireland.

Mrs Grigg: That is for Northern Ireland. Is there such a person equivalent on the UK mainland?

Q642 Chairman: That is Ivor Caplan.

Mrs Grigg: I have regular contact with the Minister.

Mrs Dillon-Lee: If one has a problem with the Veterans' Agency over pensions, it would be nice to be able to go to somebody higher up.

Q643 Chairman: That is the Minister; that is Ivor Caplan in the Ministry of Defence, who is the Minister responsible for Veterans' Affairs. The Government has tried to provide a focal point. How successful it has been is another matter.

Commodore Elliot: I was going to make the same point myself. I do not have a view about whether there should be a Victims' Minister but I most certainly have a very clear understanding that there are two Ministers to whom we go. Angela Smith hears us very carefully and understands; she has not actually managed to solve some of the problems I am putting to her yet, but that is another matter. Ivor Caplan is our Minister for Veterans, to whom we go

frequently and who actually gives us a very good hearing and gives his own team an extremely hard time until he gets the right answers. I am quite happy about that, I really am.

Chairman: I think the changes this Government has made have been a great improvement.

Mr Pound: For a minute I thought you said there have been great improvements this Government are making.

Chairman: I did say that.

Mr Pound: I am speechless.

Q644 Chairman: Mrs Grigg?

Mrs Grigg: Could I say that from the services' point of view, I am very heavily involved with the RAF Widows' Association. We have direct access to the Air Force Member for Personnel. With the Army, we are hoping that General Palmer will also be a good focus particularly for military issues. Again, we have two prongs.

Chairman: That was always the case but there is now one Minister. That is the point. We are talking about the political direction.

Q645 Mr Swire: I am going to roll these questions together as much as I can because I know we are short of time. This is really to Mrs Boal, please. What has the reaction of your members been to the changes that have occurred in the Police Service of Northern Ireland since September 1999?

Mrs Boal: When the name change was first announced, it caused the biggest wound and our members felt that they had been betrayed. That is the way it came across, and not just the members. I listened to Sir Ronnie Flanagan give the midnight speech when the name change came about. I was broken-hearted because I have been in the police family for 35 years. There was hostility towards the new police service, although all the serving officers are ex-RUC officers now, but we have found that that has changed within our organisation over the last year or 18 months, and change was inevitable. We had started to accept the change and we are now working closer with the PSNI. They wanted our members to know that although they were still RUC officers when they left, they are as close to the PSNI.

Q646 Mr Swire: You would say down the line things are calmer than they were initially?

Mrs Boal: They definitely are with regard to the name. We carried out a survey of our members last September/October. It is as well that our members cannot vote in the General Election here because Labour would not have got one of their votes. Their hostility has been directed away from Patten and the changes towards the Government because they feel that this Government has totally let them down.

Q647 Mr Swire: Can I ask, to no-one in particular, a question about cross-community work and, where your organisations and members have engaged in cross-community work, have they found that therapeutic? Have they found that too much cross-community work can put too much pressure

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on them? Do they feel that it is a good thing to work with people outside the Armed Forces or Police communities? Can any of you comment on that?

Commodore Elliot: We came very late to this. We have paid too much attention to our own business rather than to the community relations side of the house. I have to admit that I had forgotten about this funding but we do get a little bit of funding for one of our welfare offices from a community relations programme. We are encouraging our welfare officers to engage with all the various committees that are sitting looking for ideas as to how to improve what we are doing with our own people and how to help to improve their attitude to society in general. I think the more we do that, the more we find out and the more we find there is common ground and a lot of it is very good.

Reverend Rawding: We are participating in a form of reconciliation work specifically with IRA ex-prisoners and other ex-prisoner groups. This is essential to some of our veterans because the one way they might get to wholeness or to real reconciliation is to get to a point where they actually accept that they are no longer under threat and they no longer have an enemy. The only way they will get that is actually to come into physical contact with someone who they would perceive to be their enemy. We are proactively looking at this. Some of the veterans from the early Seventies have tried every single therapy and psychiatric treatment. Some have actually insisted that they are not interested in the other agencies; they want to meet Republicans, they want to meet IRA or former-IRA people⁴.

Q648 Mr Swire: How is that funded?

Reverend Rawding: I am having to work through a charity in Northern Ireland to put funding through the Community Relations Council and get funding from over there. That is the way we are doing this at the moment. I have not tried the Veterans Minister. I am having to work through other charities that are already in place and charities that are willing to work with this sort of project.

Q649 Mr Swire: How many members of your organisation are former Special Forces?

Reverend Rawding: I do not know.

Mrs Boal: We do receive some funding under Peace and Reconciliation. When we applied for the funding, and it was just three years ago, we made it clear that we would have to establish an organisation first and help our members to become reconciled with themselves before we could move to cross-community. It happened quicker than we thought. We have participated in five separate projects working with other community groups of women from Londonderry and women from the Republic of

Ireland. I even had the chance to go to an international conference held in Northern Ireland where we came face to face with an ex-IRA prisoner. Our members only meet with people who have given up paramilitary activity and who are committed to peace, as these people were. With the projects we worked on, we thought we were making small steps and things were going well. Obviously other people felt we were doing better because we were nominated for an award, an achievement for our cross-community work. That award will be presented on 7 March. Our people do want to move on. They do not want the same problems for their children in growing up as we had and that may mean meeting someone half-way. We also want to make people feel aware in both communities that under the police uniform there is a human being who has suffered as others have. This may help our current members of the PSNI and future members. We are doing it in consultation with the PSNI as well because they are participating in the cross-community exercises too.

Mr Clarke: First, I want to acknowledge how difficult this session is, given that we have four organisations representing many different services, and also we are firing many questions at you. Some are aimed at one organisation and some at another. I for one wish we had more time.

Chairman: This is because of the pressure of having to finish in an hour.

Q650 Mr Clarke: I think we ought to acknowledge that, Chair, and we apologise that it may seem as if we are rushing you all in terms of the answers. One of the other difficulties we have is dealing with the question of the truth. When we talk to communities that were affected by the troubles in different ways, they often say that the Government wants reconciliation without the truth. I noticed from the submissions that the Veterans' Association is saying that families of some soldiers have said that they require the truth.

Reverend Rawding: Yes.

Q651 Mr Clarke: Yet, Mrs Boal, in terms of your members, only 30 per cent have said they would support a truth and reconciliation committee; 70 per cent said that they did not think it would be a good idea. I wondered if we could have a view from across the organisations as to how important it is to get to the truth, irrespective of how painful it may be, irrespective of what it involves in terms of possible amnesties and possibly people not being brought to justice for crimes that they have committed.

Mrs Grigg: First, I think most people would like an apology. I spoke to two ladies who said they have never received an apology.

Q652 Mr Clarke: From?

Mrs Grigg: From anybody for what happened; nobody has apologised. That is one issue for a lot of people. The second one is that they have never known whether the perpetrators have been arrested, caught, punished, or whatever happened, and they

⁴ We are also keen to encourage reconciliation between veterans of the different regiments that served in Northern Ireland and with the Royal Ulster Constabulary. Many veterans never had the opportunity to grieve properly whilst serving in Northern Ireland. Also the intensity of the conflict meant that at times resentment and antipathy developed between members and groups of the Crown Services.

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would like to know that. Who did it; why did they do it, and what punishment have they received? Those are two issues.

Reverend Rawding: First, I think it is very difficult to give just a quick answer on that because there has been no consultation or education on truth processes amongst veterans. Secondly, it is problematic for us because we are seen to be perpetrators. We have people within our organisation who have killed other people, so we are as likely to be dragged in front of people and held up as the perpetrators and the offenders as others. It is a very difficult issue. On the one hand, we have families saying, "We cannot move on without the truth". For the soldiers who died at Warrenpoint, we still do not know who did that. I do not know who tried to kill me on two occasions. There are those sorts of issues, but, on the other hand, there needs to be a consultation and education process before we are dragged up as soldier X or soldier Y and put forward as the people who are part of the problem and who caused the problem. So it is far too early to be coming to quick decisions on the truth recovery process.

Chairman: That is partly what this committee is trying to draw out.

Q653 Mr Clarke: Just to speed things up in terms of what you have just said, is it possible that there can be a collective general truth rather than having to rely on individual incidents?

Reverend Rawding: I think that there needs to be an ongoing process of truth recovery where people volunteer to step into it and give information and other people volunteer to step in and receive information. I think there should be an ongoing process. There is a real fear that the Government is going to make a decision and say, "We are going to do this". People will be very sceptical about whatever Government as to why it is being done. Of course, some people have real issues about the Government, including veterans, so why should the Government be controlling this? A lot of veterans would have issues with the Government.

Q654 Mr Clarke: That is what some of the communities in Northern Ireland say?

Reverend Rawding: Yes.

Mrs Boal: All you have to do is to look at the Bloody Sunday Inquiry. How many hundreds of millions of pounds are we going to spend? I listened to a statement made by Mr McGuinness—I do not have the date—during that time. He made it clear that the IRA take an oath of allegiance which forbids them from telling. Who are going to be the truth tellers and who are going to be the truth demanders?

Reverend Rawding: And who is accountable? We feel accountable because we have regimental numbers.

Mrs Boal: If someone stands up and says, "Yes, I blew your father up" or, "I murdered your son", and then the next day they are going to get an amnesty,

that is just going to cause further stress to the families. The prisoner release caused enough stress without this all coming up again.

Mrs Grigg: While you have unfinished business, whatever it happens to be, to do with what happened, then you cannot have closure; you cannot completely move forward; you cannot take a second new life. Secondly, there are people who would like to go and visit where it happened but who have never had that opportunity. It would be helpful if that were to happen, too.

Q655 Chairman: Thank you very much indeed, all of you, for the points you have made. I am sorry if this has seemed a little confusing and foreshortened. If we were not having a General Election, we would have liked to have seen you in different groups. We really do want to try and get something so that we can offer preliminary comments before we all disappear. I hope the next Northern Ireland Committee will want to take this up because it is a very important subject. Thank you all very much for coming.

Mrs Boal: In closing, may I just ask this, Chairman? What is the point of this inquiry? What do you hope to achieve?

Q656 Chairman: The point of this inquiry is to try and see if there is any way whereby we could get a consensus amongst all the different groups and communities in Northern Ireland to find a way to try and put this wretched 30 odd years behind us. What moved us to do it was the Secretary of State nine months ago said he was going to consult to see if there was a way forward. He then went off to South Africa and came back and said he did not think that model was in any way suitable for the situation in Northern Ireland. I must say, I agree with him. We have not yet come to a view because we have approached this with an entirely open mind. We have had a lot of evidence recently from various groups in Northern Ireland, from you and from others. We have only concentrated on the victims' side because there is not time to look into the rest of what is a very complex matter. We are going to try and produce just some interim remarks on what we have learnt. I think, when we publish what people have said, that is going to open a lot of minds to a lot of aspects which have not been considered before, not least the ones that you have opened our minds to today. If you think it is a waste of time, I am sorry.

Mrs Boal: I did not say it was a waste of time.

Chairman: I know you did not, but previously, I knew very well the views of your association because I had a lot to do with it when I was the Minister over there. We are doing our best to see if there is any way. I will not give a personal view because I really do want us all to have a moment to discuss this before we move forward. That is what we are about. You will see, at the end of March, the fruits of our labours. If you think they are worthwhile, that is something. Thank you very much indeed.

Memorandum submitted by Mrs Rosalind Dillon-Lee

On returning home after the meeting on Wednesday I feel I must add a couple of points that I was unable to make before the Committee.

First, I feel strongly that provision should be made for relatives and veterans that have been affected by the Northern Ireland conflict to visit the province. It is important for the bereaved to see where their relatives died as was done for those who lost loved ones in the Falklands War. I think for those relatives who have been bereaved in similar circumstances to me, we have many questions that only a visit to Belfast would help to answer. I certainly need to try to understand what drove a man to murder my husband. I think most relatives would be able to pay for such a visit but like me feel unable to do it alone. However, with support of others in similar circumstances they would be able to make that journey.

Secondly, I think that many veterans of the Northern Ireland conflict would benefit from taking part in a memorial to their comrades who died. The British Army prides itself on encouraging esprit de corps and for many soldiers it is the only family they have. When I worked as SSAFA Forces Help Health Visitor I was often struck by how many of the soldiers came from families with unstable backgrounds. Therefore when a colleague dies in action the young soldiers feel the loss deeply. I remember my husband's Battery Sergeant Major saying that such a loss was like losing a brother. That loss should be acknowledged.

25 February 2005

Memorandum submitted by the War Widows Association of Great Britain

I found the experience very interesting but wished that there had been more time and that the Disabled Police Federation had been given a different time from the other military related organisations.

I think that there are a number of issues that are of concern.

Those who live in Northern Ireland will have different issues to those based on the UK mainland. The Police will have different issues to the military.

The issues of those wounded either physically or mentally are different to those who have lost a family member (husband, wife, partner, child, father, mother, sibling).

Having given it some thought I can understand where the Northern Ireland Veterans representative was coming from when he said that colleagues should be consulted about Remembrance. The military encourages a strong family feeling and those working together when there is a death or wounding caused by the IRA or other terrorists feel this as keenly as if their brother had been the one involved. In fact the relationships can be much stronger than with a family member. This does not have to be all of them but a representative sample. To be included will make them feel better. Why not ask the Northern Ireland Veterans to actively involve a representative number of members in the consultation process regarding a National Memorial.

For widows and families of those who have died the importance of being able to visit Northern Ireland and see where the deceased was killed and to try to understand the IRA point of view cannot be emphasised enough. To visit Ireland and see the country and meet the people would help. Years on these people still have unfinished business which will not be resolved until they know what happened to the perpetrators.

Ros Dillon-Lee felt rather disappointed that her views had not been sought as she was representing a specific victim group.

I am writing to a younger widow whose husband was killed in Northern Ireland to give her the chance to express her views.

Please will you keep me informed about future developments.

26 February 2005

Supplementary Memorandum submitted by Combat Stress

You will recall that I attended your enquiry on 23 February and gave evidence on the Society's experience in working with home service veterans of the UDR and RIR suffering from mental ill health.

The session was, I think, interesting in as much that it served to also remind us that there are many people on the mainland, the bereaved families, and some of the many servicemen and women who have served in Northern Ireland during the period who also carry the scars of the last thirty years of Northern Ireland's past. The Society works with many of these people.

However, with so many witnesses to be heard, it was not possible for all of the questions to be dealt with adequately in the time available, and there were two points in particular where would have wished to have responded about the Society's work and the views of the home service veterans we care for.

The Reverend Martin Smyth probed us on Government Funding, and I attach a full answer to his question to ensure the record is correct.

Towards the end of the session we were asked what it was that our members were looking for. The Society does all it can to restore a sense of pride and achievement in these very fine men and women. It has become very clear to me from any number of conversations I and my Welfare Officers have had with the home service veterans and their families that they feel forgotten and their service and sacrifice unappreciated. Whether or not this is really the case is not for us to judge, that is what they say, and they are quite despondent.

We recognise the difficult juggling act which has to take place if peace and reconciliation is to be achieved. However, if this group is to be included, we believe that it will be really helpful for the Government to find a way of making public recognition of the role and contribution made by the home service battalions. It may be that this could in part be done through the Veterans Initiative, but I have to say that I think it would better come from the Prime Minister or Secretary of State for Northern Ireland rather than Defence.

2 March 2005

ESMWS—NORTHERN IRELAND FUNDING

1. Under Article 26 of the Service Pensions Order 1983 the Society receives funding for the provision of remedial treatment it provides to qualifying War Pensioners suffering from psychological injury. It provides this treatment to Northern Ireland domiciled veterans in its treatment centre in Ayr, Scotland. Not all of the NI veterans receiving treatment qualify for this funding and their treatment is funded from charitable sources.

In 2004 113 NI veterans of whom 103 were War Pensioners were treated at a cost of £297,000 for which the Society received £243,000 Article 26 funding.

2. The Society's consultant psychiatrist runs a treatment and assessment clinic in Northern Ireland on a sessional basis.

In 2004

- 17 NI veterans of whom 12 were War Pensioners attended regular monthly group sessions.
- 81 individual consultations were provided to NI veterans of which 59 were to War Pensioners
- The cost of this service was £20,400 for which the Society received £5,800 Article 26 funding.

3. The Society's Welfare operation in Northern Ireland Cost £175,000 in 2004. The Society received a grant of £41,165 from the Community Relations Council, Core Funding Scheme for Victims and Survivors, otherwise the costs of this operation were met from charitable resources. During the year 1,298 domiciliary visits were made (including visits to veterans living In Eire).

Monday 28 February 2005

Morning

Members present:

Mr Michael Mates, in the Chair

Mr Roy Beggs
Mr Tony Clarke

The Reverend Martin Smyth
Mr Bill Tynan

Memoranda submitted by Northern Ireland Human Rights Commission

1. The Northern Ireland Human Rights Commission (the Commission) is a statutory body created by the Northern Ireland Act 1998. It has a range of functions including reviewing the adequacy and effectiveness in Northern Ireland of law and practice relating to the protection of human rights²², advising on legislative and other measures which ought to be taken to protect human rights²³, advising on whether a Bill is compatible with human rights²⁴ and promoting understanding and awareness of the importance of human rights in Northern Ireland.²⁵ In all of that work the Commission bases its positions on the full range of internationally accepted human rights standards, including the European Convention on Human Rights (ECHR), other treaty obligations in the Council of Europe and United Nations systems, and the non-binding or “soft law” standards developed by the human rights bodies.

2. The Commission welcomes the opportunity to contribute to the Inquiry of the Northern Ireland Affairs Committee (the Committee) on methods of dealing with the past in Northern Ireland, particularly since the Commission is of the view that a great deal more public discussion and consultation is required in this area before the way forward will become clear. The following matters are dealt with in this paper:

- Key issues in designing a truth process
- The scope of the Committee’s inquiry
- The role of the Northern Ireland Human Rights Commission
- International standards for dealing with those affected by violence
- International examples of Truth Commissions
- The need for an indigenous process
- Some associated issues.

The paper concludes with an annex describing some international precedents which the Committee may wish to study in more detail.

KEY ISSUES IN DESIGNING A TRUTH PROCESS

3. The issues to be addressed in considering any systematic approach to dealing with past conflict through “truth commissions” and similar inquiries are many and complex. They include, first and foremost, the political environment. There must be a general acceptance that the time is right to address issues in that way; a greater probability that the process would assist, rather than destabilise, the peace process and establishment of new institutions; and a sufficient degree of co-operation from a sufficient number of parties to the conflict. In the Northern Ireland context, it is particularly important to acknowledge that the parties are not just the paramilitary organisations, or even “the two communities”: the state itself had a major role, and an effective process would have to be capable of uncovering the full truth about lawful and unlawful activities by the state, including of course the issue of collusion.

4. The Committee needs to ask itself whether the Inquiries Bill currently before the upper House is indicative of a readiness on the part of the state to subject itself to thorough scrutiny. It must be apparent that certain features of that Bill render it completely inadequate as the legislative basis for a truth commission, or even for a series of smaller inquiries into particular incidents. No useful purpose would be served in Northern Ireland by constituting such a body while empowering Ministers to make and rescind appointments and fix terms of reference; to suppress information; to declare the whole inquiry, or any part of it, confidential; to declare certain evidence confidential and subject to a 30-year ban on disclosure; and to withhold legal representation and expenses from witnesses. This Commission understands the view of the Finucane family that the present Bill does not offer a realistic prospect of uncovering the full truth in that one case, and it is concerned that the Nelson, Hamill and Wright inquiries (under existing legislation) will lose credibility if they are taken over under provisions in the Bill.

²² Northern Ireland Act 1998, s.69(1).

²³ *Ibid*, s.69(3).

²⁴ *Ibid*, s.69(4).

²⁵ *Ibid*, s.69(6).

5. Among the other key considerations is the sponsorship of the exercise: ie, whether it is constituted by Government alone, whether civil society is involved in the initiative, whether there is international support, and so on. There are many decisions to be made about its chronological and geographic scope, its mandate and its powers; the composition of the inquiry body; its staffing and resources; the methodology; questions of amnesty or impunity, which are particularly sensitive in relation to gross crimes; how the inquiry reports, and what happens afterwards. On all of these matters, the Committee's attention is drawn to an excellent resource developed by the Truth Commission's Project, a collaboration between academic and non-governmental organisations which seeks to draw lessons from an in-depth analysis of five such commissions. The Project's website, at www.truthcommission.org, presents its findings on "Strategic Choices in the Design of Truth Commissions". The Human Rights Commission has found the Project's work very useful and what follows partly draws on that work.

6. It is not clear to the Commission that the Government's preliminary consideration of "dealing with the past" has in fact addressed the key issues we have mentioned here. Although the Committee's announcement of the present inquiry refers to the Secretary of State "embarking on a programme of discussions" in May 2004, this does not seem to have been a very proactive effort: neither the Commission, nor several influential and representative victims' groups with which it has been involved, were invited to contribute. When the Minister with responsibility for victims' issues recently conducted a consultation on the next phase of the victims' policy,²⁶ the exercise was said to have "sought views and opinions from all interested parties",²⁷ but we have no doubt that the dialogue needs to be more open and inclusive if the outcome is to command public confidence.

THE SCOPE OF THE NIAC INQUIRY

7. We would, with the greatest respect, suggest that the way the Northern Ireland Affairs Committee has framed the present inquiry might be misread as suggesting a lack of awareness of the complexity of the issues. Whether that view is, as we suppose, mistaken depends largely on how far the Committee is prepared to go in examining other aspects than its initial comparative study of the experience of other jurisdictions, which was the main focus of the announcement. Such a study is likely to be helpful, but there are some major questions around truth and reconciliation processes in general, as well as others arising from the specific issues in Northern Ireland.

8. In particular the inquiry's title, "Reconciliation: Ways of dealing with Northern Ireland's past", could be taken to imply that truth processes and reconciliation processes are one and the same thing, or alternatively that one must evolve into—or is at least a necessary precondition for—the other. *Truth*, in the sense of bringing some objective process to bear in establishing why and how conflicts evolved and who bears responsibility for particular events, is always desirable, but it is not always of the utmost urgency. In some circumstances the contesting of truth about the past could serve to prolong conflict, reopen wounds and deepen divisions. *Reconciliation*, in the sense of moving beyond hatred, violence, fear, disrespect and mistrust towards purely peaceful contention of ideas through democratic political discourse, is likewise unquestionably desirable; but whether it is an outcome of, or a precondition for, a discovery of the full truth is a question that cannot at this moment be answered for Northern Ireland. The Committee should strive to avoid any conflation of the distinct ideas of reconciliation and truth.

9. Peace-making and peace-building are distinct phases of emergence from conflict, and, depending on the particular circumstances prevailing at a given time and place, it may be decided that a painful exploration of the past is needed in order to allow people to come to terms with themselves and with the "other side". At another time and place, it may be the consensus that the society has been so traumatised by the past that a pause for reflection, perhaps even a lengthy period of something like national amnesia, is required before it becomes appropriate to investigate exactly what happened.

10. By way of illustration one might cite South Africa as a case where the truth process was seen by the vast majority as an essential and urgent requirement in the transition to democracy. The second approach of "not mentioning the war" may have had many unfortunate consequences in France, Germany, Japan, the Channel Islands and elsewhere (in terms of the quiet rehabilitation of fascists and collaborators, and victims and perpetrators alike dying off with their stories untold), but it did at least result in the rapid construction of stability and prosperity. Elsewhere, notably in Chile, a compelling reason for delaying "dealing with the past" or compromising as to the scope and effects of the process was the need to secure the supremacy of democratic institutions against the (usually) unspoken threat of a military backlash.

11. The announcement of the inquiry also, and perhaps deliberately, omits any mention of the difficult issues that arise around impunity and amnesty. While it may be argued that the truth is more likely to be established by a process in which all can speak freely without fear of prosecution, and while admissions, confessions or apologies, in particular, are less likely to emerge in any other context, it must also be recognised that an impunity-based process will feel to victims like a denial of justice, an insult added to

²⁶ A summary of responses to the consultation is available at <http://www.nio.gov.uk/index/key-issues/victims.htm>, dated October 2004.

²⁷ Summary of responses, p1.

grievous loss or injury. Many international examples have sought out a middle way, defining certain gross abuses as incapable of amnesty, or allowing for the imposition of reduced or token sanctions in return for frank admissions.

12. These, we trust, are issues to which the Committee will return later, or in future inquiries, and it is also necessary to point out that this Commission has by no means arrived at any definitive views on the way forward for Northern Ireland. We have a long way to go, and it may be that any opinions or analysis that we put forward in the present submission will change over time, as our own understanding deepens and in response to changes in the political and social context in which any process may happen. We welcome the fact that the Committee has, as we have, decided to begin with a broad-based examination of how other societies emerging from conflict have found their own answers to these very difficult questions.

13. This response will therefore outline the Commission's interest in the area and briefly review international standards in human rights and humanitarian law which impact upon victims. It will continue with a comparison of international examples of truth commissions, and consideration of an indigenous process for Northern Ireland, concluding with some associated issues.

THE ROLE OF THE NORTHERN IRELAND HUMAN RIGHTS COMMISSION

14. From the Human Rights Commission's point of view, of course, the main concern is to secure a rights-based process rather than a mere political accommodation; thus much of what follows is articulated in terms of the rights of victims of the conflict, and what we say about, for example, the mandate and methodology of a process comes from that perspective. The Commission has conducted a considerable amount of research and consultation on the rights of victims in Northern Ireland. This work included the publication in July 2003 of the report *Human Rights and the Victims of Violence*, in which the Commission acknowledged its responsibility to facilitate "discussion of what truth and reconciliation processes might eventually be appropriate for Northern Ireland".²⁸

15. Such discussion has informed our work on developing a Bill of Rights for Northern Ireland and we have included proposals for protecting victims' rights in successive drafts, advocating that all victims of violence be treated equally, and concluding that "the deeds of the past need to be acknowledged before the Bill of Rights can work for anyone".²⁹

16. To assist with this work, the Commission first created an internal Committee on Victims, and subsequently a Victims' Rights Working Group with members from outside the Commission representing the views of victims.

17. Alongside such overarching projects, various relevant submissions and responses have been made by the Commission—for example in relation to death investigation and the inquest system in Northern Ireland, "on-the-runs",³⁰ terrorist attacks, and the public inquiry system. Some of these are available on our website (www.nihrc.org) and copies of all are available on request.

18. The Commission has also intervened in a number of relevant court cases that have considered the protective and investigative responsibilities of the state in relation to the right to life under Article 2 of the ECHR, including *Amin*,³¹ *McKerr*,³² *Middleton*,³³ *McIlwaine*³⁴ and *Brolly*.³⁵

19. "All measures taken by States to fight terrorism must respect human rights and the principle of the rule of law, while excluding any form of arbitrariness, as well as any discriminatory or racist treatment and must be subject to appropriate supervision".³⁶ The Commission believes that such standards must also be respected in peacemaking, and thereafter in peace-building processes such as historical clarification. In pursuit of the aim to live "free from fear"³⁷ our population must be released from the bind of long held questions and misconceptions as well as being offered the chance for any possible relief of long sought for acknowledgment.

²⁸ NIHRC (2003) *Human Rights and the Victims of Violence*, page 7, paragraph 7.

²⁹ *Ibid*, p40. In this work victims were defined as all victims of violence and not simply victims of "terrorist acts", as that more restrictive definition is notoriously problematic: see NIHRC (2004) *Comments by the NIHRC on the [Council of Europe] Guidelines on the Protection of Victims of Terrorist Acts*.

³⁰ With the early release scheme—see paragraph 35 below—questions have been raised about supporters of organisations now on ceasefire in relation to whom there are unfinished investigations, outstanding prosecutions and in some cases extradition proceedings for offences committed before April 1998: those thought to be living outside the jurisdiction are known as the "on-the-runs".

³¹ *R (Amin) v Secretary of State for the Home Department* [2003] UKHL 51.

³² *In re McKerr* [2004] UKHL 12.

³³ *R v HM Coroner for the Western District of Somerset and another ex parte Middleton* [2004] UKHL 10.

³⁴ *In the matter of an application by Paul McIlwaine for Judicial Review* (unreported, available on NI Court Service website), ref. KERB4517T, 18 May 2004.

³⁵ *In the matter of an application by Ann Brolly and Francis Brolly for Judicial Review* [2004] NIQB 69.

³⁶ Council of Europe (2004) Preamble to the Preliminary Draft Guidelines of the Committee of Ministers to Member States on the Protection of Victims of Terrorist Acts. Neither the European Convention on Human Rights nor the case law emanating from the European Court of Human Rights defines "victim", preferring instead a case by case approach.

³⁷ Preamble of the Universal Declaration of Human Rights, adopted by the General Assembly of the UN, 1948, resolution 217A (III).

INTERNATIONAL STANDARDS FOR DEALING WITH THOSE AFFECTED BY VIOLENCE

20. The Commission suggests that the discussion around dealing with the past in Northern Ireland can best proceed on the basis of the definition of victimhood suggested by the draft UN Basic Principles:³⁸

“A person is a ‘victim’ where, as a result of acts or omissions that constitute a violation of international human rights or humanitarian law norms, that person, individually or collectively, suffered harm, including physical or mental injury, emotional suffering, economic loss, or impairment of that person’s fundamental legal rights. A ‘victim’ may also be a legal personality, a dependant or a member of the immediate family or household of the direct victim, as well as a person who, in intervening to assist a victim or prevent the occurrence of further violations, has suffered physical, mental, or economic harm.”

21. There is a duty on the state (one might even say, it is the state’s primary function) to prevent violations of human rights in the first instance. This may be secured by several means:

- (a) Domestic law should be framed in compliance with international legal norms.³⁹ (However in relation to the rights that some assert to have the state punish those responsible for causing victimhood, the Commission notes that there is no international agreement around prosecuting or sentencing.)
- (b) Government practices should be in conformity with treaties it has signed.
- (c) There should be mechanisms for ensuring that institutions and individuals are accountable for failure to prevent violations.⁴⁰

22. The state will never be in a position to guarantee against rights being breached. Following any breach of the rule of law, there are various duties upon the State to investigate the violation and to secure rights to the victim.

INVESTIGATION

23. Article 2 of the European Convention on Human Rights has been taken to impose a variety of obligations in respect of the right to life, one of which is the procedural duty to investigate a death where it is arguable that either the negative duty not to intentionally take life, save in certain circumstances, or the positive duty to safeguard life, has been breached.⁴¹

24. As to what constitutes a proper investigation, the Commission would refer to the *Jordan* decision⁴² by which the European Court of Human Rights called for thorough, prompt, independent investigations which involve sufficient elements of public scrutiny and sufficiently involve the next-of-kin. In other notable Turkish cases the European caselaw established that “Neither the prevalence of violent armed clashes nor the high incidence of fatalities can displace the obligation under Article 2 to ensure that an effective, independent investigation is conducted into the deaths arising out of clashes involving the security forces.”⁴³

25. These rulings, of course, all involved deaths caused by the state, but in its decisions in cases such as *Yaşa v Turkey*,⁴⁴ *Ülkü Ekinci v Turkey*⁴⁵ and *Buldan v Turkey*⁴⁶ the Court has repeatedly stated that “the obligation is not confined to cases where it has been established that the killing was caused by an agent of the state”. This has been confirmed in the domestic case of *McIlwaine* (see note 12 above).

26. However, in the recent domestic ruling by the House of Lords in *McKerr* it would now appear that, for some, the hope of an appropriate investigation has been dashed with the decision that the Article 2 right as enshrined in the Human Rights Act 1998 does not apply to cases where the death occurred before the Act came into force in October 2000.⁴⁷ It should, of course, be noted that the judgment dealt with the domestic justiciability of the domestic-law right corresponding to the right arising under the Convention; the original ECHR right certainly continues to apply to deaths arising at any time since the Convention itself became

³⁸ Para 8 of the draft Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Violations of International Human Rights and Humanitarian Law, August 2003 draft, cited in the Special Rapporteur’s report E/CN.4/2000/62. The definition of victim follows earlier UN soft law, as in the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, GA 40/34, annex, 40 UN GAOR Supp (no 53) at 214, UN Doc A/40/53 (1985).

³⁹ The right to life, for example, requires that the State not intentionally deprive a person of life save in exceptional circumstances (ECHR Article 2(2)) and includes a positive duty to take reasonable steps to safeguard the lives of individuals: see *Osman v UK* (1998) 29 EHRR 245 and *Powell v UK* 45305/99. Though much of the work of the European Union in this area has focused on cross-border crime prevention, international standards on prevention of victimhood have developed apace, with successive UN conferences highlighting the issue. For an example of the evolution of broader standards, see the Urban Security Plan, www.urbansecurity.org.

⁴⁰ This aspect has implications for the obligations upon the state in investigation of events.

⁴¹ See *Edwards v UK* (2002) 35 EHRR 487 and *Oneriyildiz v Turkey* 48939/99.

⁴² *Jordan v UK* 24746/94. See also *Ergis v Turkey* 23818/94, *Tanrikulu v Turkey* 23763/94, *Gul v Turkey* 22676/93, *Çakici v Turkey* 23657/94 and *Oğur v Turkey* 21594/93 as well as *Finucane v UK* 29178/95.

⁴³ *Güleç v Turkey* 21593/93, Judgment of 27 July 1998; *Kaya v Turkey* 22729/93, Judgment of 19 February 1998, etc. There have been several hundred ECtHR judgments against Turkey, a large number involving extrajudicial killings and disappearances.

⁴⁴ 63/1997/847/1054, Judgment of 2 September 1998 at para 100.

⁴⁵ 27602/95, Judgment of 16 July 2002 at para 144.

⁴⁶ 28298/95, Judgment of 20 April 2004 at para 83.

⁴⁷ The status of such cases continues to be discussed by the Committee of Ministers as it liaises with the UK on the “package of measures” submitted following the *Jordan* ruling.

binding on the United Kingdom, so that at least in theory a remedy may be sought at Strasbourg. It is also possible that the Article 2 duty to investigate applies to deaths occurring in custody whether or not they occurred before October 2000. The date of death was assumed to be irrelevant in two recent House of Lords rulings in this area (*Amin and Middleton*, see above).

27. The UN Basic Principles also refer to the information rights of families, as do the Council of Europe Draft Guidelines, which also raise the verification of the facts of incidents and full public disclosure. The Commonwealth's Best Practice Guidelines for the Victims of Crime (2002) add the right to offer information and the right to be heard, as well as the timely processing of cases.⁴⁸

28. In addition the Commission would argue that discussion of state obligations to investigate should include consideration of court procedures that are conducive to victim involvement, and case progression updates.⁴⁹

Duties towards victims

29. The State is also obliged to provide or secure prompt and adequate reparation to victims. This term is taken to cover restitution, compensation, rehabilitation and satisfaction, with guarantees of non-repetition. Reparation focuses on the restorative rather than the retributive and, according to the long-established international jurisprudence, its aim must be to "wipe out all the consequences of the illegal act".⁵⁰ Many of the international instruments refer to obligations to make reparation.⁵¹

30. Throughout its work, the Commission has been alerted to difficulties experienced in Northern Ireland by the bereaved in relation to reparation, with many victims complaining that they felt stigmatised as if there were degrees of "worthiness" in victimhood. For example, not all dependants are entitled to compensation for the violent death of their loved one.⁵²

31. Intimidation, or fear of reprisals, can affect the right to reparation, as many victims are afraid to draw attention to themselves by making a complaint in the first instance; the form of reparation or compensation likewise needs to take account of issues of vulnerability, so that, for example, where effective protection against non-repetition requires the victim's relocation, assistance to rebuild destroyed property is unlikely to be the appropriate form of compensation.

32. Linking reparation to investigative rights, Part VII of the Council of Europe's Preliminary Draft Guidelines of the Committee of Ministers to Member States on the Protection of Victims of Terrorist Acts refers to compensation and the provision of information: "states should give information, according to appropriate measures, to victims of terrorist acts about the act of which they suffered."

33. Reparation may also be linked to the argument that in attempting to ensure that government action prevents recurrence of conflict, any strategy must consider the socio-economic difficulties in Northern Ireland. Thirty years of conflict has created and exacerbated economic and social problems in the region, and any process designed to deal with the conflict must not ignore these issues. Reconciliation, which may or may not be accelerated by a comprehensive truth process, is bound to have social and economic benefits.

34. Nevertheless, a legitimate part of any fiscal consideration is the cost of the inquiry itself. Whilst there is widespread support among the people of Northern Ireland for suggestions that there ought to be an effort to establish the truth of past events, there is also a general acceptance that the cost of such an exercise cannot relate on a pro-rata basis to the Bloody Sunday Tribunal's investigation of 14 killings, which may cost in the region of £150 million. Judge Cory addressed this issue in his reports, stating that proper planning would avoid such astronomical cost. The Commission is emphatic that what is required in Northern Ireland is a range and sequence of processes, a costed package deal with ring-fenced resources.

⁴⁸ It is interesting to note that these Guidelines also refer to the right to be informed of the name, rank and contact details of the investigating police officer and to be provided with copies of statements made, with opportunities to add to or amend these and be kept informed about investigative procedures or decision in relation to trial. Whilst the Police Service of Northern Ireland (PSNI) applies these standards to current investigations, it has not even agreed to contact the bereaved in relation to some 2,000 murder cases which lie unsolved in Northern Ireland and which are currently being reviewed. No list of unsolved murders has been published by the PSNI.

⁴⁹ The European Forum for Victim Services calls for the right of involvement of victims in the criminal justice system. The Forum, established in 1990, has some 19 member organisations in 15 countries: www.euvictimservices.org.

⁵⁰ Case concerning the Factory of Chorzów, Permanent Court of International Justice, 1928 PCIJ Ser. A, nos. 7, 9, 17, 19; this case is still frequently cited, for example in relation to the Israeli "security wall". See also Velásquez Rodríguez Case, Inter-American Court of Human Rights [1988] IACHR 1 (29 July 1988) at para 174: "The State has a legal duty to take reasonable steps to prevent human rights violations and to use the means at its disposal to carry out a serious investigation of violations committed within its jurisdiction, to identify those responsible, to impose the appropriate punishment and to ensure the victim adequate compensation."

⁵¹ Universal Declaration of Human Rights, Art. 8; International Covenant on Civil and Political Rights, Arts 2(3), 9(5) and 14(6); American Convention on Human Rights, Arts 25, 63(1) and 68; African Charter on Human and People's Rights, Art. 21(2); UN Principles for the Effective Prevention and Inquiry into Extra Legal Arbitrary and Summary Executions, Principle 20; UN Convention Against Torture, Art. 14; International Convention for the Elimination of all forms of Racial Discrimination Art. 6; UN Convention on the Rights of the Child, Art. 39; European Convention on Human Rights, Arts. 59, 50, 13 and 14 and the Rome Statute of the International Criminal Court, article 75; Principle 4 of the Draft Basic Principles. The International Law Commission in its 53rd session in 2001 affirmed the principles of reparation when it adopted its draft article on the responsibility of states for internationally wrongful acts: UN Doc A/56/10 para 23.

⁵² See the Criminal Injuries Compensation (NI) Order 2002, with a new scheme, compared to the Order and scheme of 1988.

 INTERNATIONAL EXAMPLES OF TRUTH COMMISSIONS

35. The Commission would stress at the outset of this comparative section that real value can be added only by the kind of detailed analysis which will probe decision-making in other jurisdictions to the extent that pitfalls within what are essentially viewed as successful exercises are highlighted. Even the best elements of such processes can undoubtedly be improved upon. The importance of detailed consultation with those who have been involved intimately with truth and reconciliation systems elsewhere cannot be overstated.

36. The Northern Ireland Affairs Committee may also benefit from considering examples of “truth processes” in contexts other than conflict. It may wish to examine the Commission to Inquire into Child Abuse, established in Ireland in 1999, which has developed interesting mechanisms and procedures for determining what happened in reform schools and other institutional settings over a long period of time and what “remedies” should be made available.

Starting point

37. Northern Ireland, unlike many jurisdictions in which truth commissions have operated, is somewhat unusual in having deferred detailed discussion of such a process. The fundamental elements of the peace agreement were arrived at some six years ago without any deal around a truth process, since when there has been continued violence at a much lower intensity, and various advances and setbacks in terms of the institutional underpinnings of the peace settlement. In all of the 29 official truth recovery projects considered by the Commission,⁵³ the peace-building component was most effective when the process followed a definitive end-point of the events to be considered, such as a universal conclusion of an armed conflict. However, Northern Ireland would not be unique if it sought to address the issues within a narrower time-frame. In Ghana, for example, the National Reconciliation Commission was created in 2002 to consider the period 1957 to 1993,⁵⁴ in Nigeria the Special Human Rights Commission began in 1999 to consider the period 1983 to 1994 and in Panama the Truth Commission was established in 2001 although the mandate was for the period 1968 to 1989.⁵⁵

38. In that context, it could also be argued that the Belfast (Good Friday) Agreement was only part of the package of a deal for peace, so that the date of the Agreement is not necessarily to be taken as a cut-off point for the remit of a truth process. However, whilst we should not discard the possibility of such a process being set up without taking the Agreement as an essential reference point, it is equally important that the Government should not lose sight of the opportunity to locate the process within the overall peace settlement, as undoubtedly the passage of time makes it in many senses more difficult to revisit events. It is also worth noting that the early release scheme for prisoners, adumbrated in the Agreement and implemented by the Northern Ireland (Sentences) Act 1998, is predicated on the understanding that it should apply only to persons committing offences before the date of the Agreement (10 April 1998).

39. At this point the Commission would also seek to address the issue of ongoing violence, which is often used as an argument against beginning a truth and reconciliation process. For example in the cases of El Salvador and Guatemala stability had not been achieved before commissions were created, and the threat of violence continued. In other jurisdictions peace processes were far from fully developed at the inception of truth and recovery processes, with hope not yet overwhelming fear. The truth process, in such cases, was intended to contribute to stabilisation, rather than requiring stability as a condition for opening up the past.

Resources

40. Few things are more vital to the effectiveness of any process, and its prospects of success (however measured), than the provision and maintenance of adequate financial and staffing resources. With no staff or budget, the Commission in the Philippines was quickly overwhelmed, whilst the process in South Africa had a budget of \$9 million per year of operation with some 400 staff at one point. Guatemala had a budget of \$9.5 million and Sierra Leone \$4.5 million.

41. The Commission would also stress the importance of funding in relation to prior consultation, to ensure that the selected model commands wide confidence, and also in relation to the resourcing of any measures needed to address recommendations arising from the process. The resources must also be commensurate with the powers of the inquiry: for example, the powers to compel witnesses and to require production of documents—which must be among the minimum criteria for an effective investigative process—cannot be exercised justly unless the parties have access to appropriate levels of legal advice and representation, normally at public expense.

42. That said, the broader political support of both the Irish and British governments, with in particular a clear commitment to full disclosure, is the most vital element in any package of resources. This will be considered in greater detail below.

⁵³ See Appendix.

⁵⁴ The process is ongoing.

⁵⁵ In Uruguay, the official Investigative Commission on the Situation of the Disappeared People and its Causes began three years after the cut-off point for the investigation, although unofficial processes had been filling the time gap. The German Commission of Inquiry for the Assessment of History, set up in 1992, considered the period 1949 to 1989.

Time line

43. Beyond the issue of when to initiate the process, the Commission would stress the importance of the decision around what period to consider. Debates in this jurisdiction will yield various time lines depending on differing perspectives about the root causes of the conflict, and the key events that marked its outbreak and its presumed conclusion. Whilst this Commission shares the view that historical clarification requires that “inquiries need to consider the incubation periods and broader context”,⁵⁶ specific points of focus will also be needed.

44. There are a number of international examples of processes which examined several decades, such as that in Germany spanning 40 years (although this was a largely academic exercise), Ghana, which covered a period of 36 years as did Guatemala, and South Africa reviewing 34 years. The larger part of the selection of truth and reconciliation processes reviewed by the Commission covered a period of years in single figures.⁵⁷

45. One of the issues to be addressed within time horizon discussions in Northern Ireland is that some abuses of human rights have occurred since the Belfast (Good Friday) Agreement.⁵⁸ The August 1998 Omagh bomb atrocity, which is generally recognised as “the most grave and exceptional crime in the history of Northern Ireland”,⁵⁹ might very well fall outside an agreed time line, because to include that event demands that we look past the Agreement. Extending the time line beyond the Agreement does allow for the argument that other abuses occurring within the new period should also be considered, but the Commission would recommend such action be taken. The Omagh bomb is an important part of the history of these islands and is regarded by some as a pivotal event in the conflict about which many questions remain.

46. Another such case is the murder of human rights lawyer Rosemary Nelson, on 15 March 1999, a matter in which the UK Government has already conceded the need for a judicial inquiry. Consideration needs to be given to how any truth process should take account of the outcome of such stand-alone inquiries, particularly if they are allowed to proceed under legislation that does not command full public confidence (other such inquiries are proposed for pre-Agreement murders).

Geographical scope

47. The geographical area to be covered by a truth and recovery mechanism will have considerable impact on the process. One consideration is the need to acknowledge that displacement is a feature of armed conflicts, so that many surviving victims and perpetrators reside outside the affected area. Indeed, the Chilean National Commission on Political Prisoners and Torture interviewed victims residing in over 40 countries.⁶⁰ It is also necessary to examine incidents connected with the conflict that took place in other jurisdictions; in the Northern Ireland context that would extend the scope to events in Great Britain, to various European jurisdictions and, depending on the matters under investigation, possibly also to North American and other sources of funding and materiel. Most of the British Army, security and intelligence personnel involved in the Northern Ireland conflict are likely to be serving or retired outside Northern Ireland, as are many of those involved in policy making.

48. We must also recognise the fact that even in relation to acts occurring in or originating in Northern Ireland, crucial evidence relating to what happened lies beyond the region’s borders. The recent review of the Barron report⁶¹ took a great deal of time to consider this most perplexing of problems—how can we have a peace process sponsored (as we might expect it to be) by the two governments when those governments are not prepared to share information with each other? The difficulties around “letters of request” and such mechanisms are myriad, and any truth recovery process could be crippled by the lack of provision that has so recently been highlighted by the families bereaved in Omagh, Dublin and Monaghan.

49. The Truth and Reconciliation Commission for Serbia and Montenegro is investigating war crimes in Slovenia, Croatia, Bosnia and Kosovo and could add much to our outstanding of how to make this international aspect of the process work. The experience of countries such as Rwanda, where a number of countries have been involved in the peace-making, and possibly also East Timor and Germany, could be enlightening in this regard.

50. In this sense the Commission would also highlight the evidential arrangements made in investigations into historical events which are not related to truth processes, such as the Porton Down inquiry⁶² in which agreements were reached with, for example, the government of the United States of America for evidence.

⁵⁶ Scraton, P. (1995) *No Last Rights: The Denial of Justice and the Promotion of Myth in the Aftermath of the Hillsborough Disaster*, p79.

⁵⁷ In Sierra Leone only part of the period of conflict was considered.

⁵⁸ 10 April 1998: www.nio.gov.uk/agreement.

⁵⁹ Police Ombudsman for Northern Ireland, Report on the Omagh Bombing p3.

⁶⁰ www.comisiontortura.cl.

⁶¹ www.oireachtas.ie—Joint Committee on Justice, Equality, Defence and Women’s Rights.

⁶² In 1999 the Wiltshire constabulary began a four year inquiry into a death that occurred in 1953 during chemical warfare experiments on humans. The inquest concluded in November 2004, overturning the original decision of “misadventure” and recording a verdict of unlawful killing.

The Commission would emphasise the importance of looking at all the legal, social and economic examples of best practice which could fit within our package of “dealing with the past”, not solely relying on evidence of best practice secured through peacekeeping or peace-making processes.

51. Part of the geographical consideration is the nationality of truth commissioners (or equivalent appointees) and their staff. The Northern Ireland Human Rights Commission has repeatedly called for independence in official investigations and would therefore see value in independent and impartial nations providing some element of the investigative personnel for a process. However, on the whole, the Commissioners selected to serve on Truth Commissions have been nationals of the country, for example Peru (two members) and South Africa (17). By comparison, El Salvador was made up of three foreigners and Sierra Leone seven of mixed background. The International Criminal Tribunals in Rwanda and the Former Yugoslavia were run entirely by non-national staff.

52. Subject to the process having sufficient independence and credibility, this Commission’s preference is for a locally owned project but with significant international involvement, and this should be reflected in the preparation and composition of any bodies.

53. As to the optimum number of Commissioners, whilst a large number can help alleviate the workload, the most obvious drawback is reaching decisions by unanimity or consensus, along with the organisational difficulty of bringing together a large body of persons of appropriate standing.

Mandate

54. The mandate of a truth commission is another vital area for consideration. Beyond time line and geographic area to be considered, what is to be investigated, how and with what outcome? Many would argue, for example, that the mandate of the South African Commission made its task unduly difficult, as many were confused about the legal status and procedural rights of those involved.

55. Part of the decision around what acts are to be investigated involves decisions around perpetrators. For example, in Peru the Truth and Reconciliation Commission considered both acts of the state and those of insurgents. Any mandate will need to outline whether the process is to consider individual or institutional responsibility or both. In Rwanda only government abuses were considered. The South African Commission considered both individual cases and structural causes, as did the Investigative Commission on the situation of the “disappeared” in Uruguay.

56. There needs to be careful delineation of the issues to be addressed; the starting point might be that deaths or disappearances must be clarified. By way of example, in South Korea the Commission only considered deaths, and in Serbia and Montenegro only war crimes. In Chile, the National Commission for Truth and Reconciliation was created only to consider human rights abuses resulting in death or disappearance, and in Uruguay the 1985 Commission had a mandate which prevented investigation into illegal imprisonment or torture, although these represented the more common violations.

57. Process and outcome may overlap when relations with the criminal justice system are considered. In terms of judicial powers, there is a strong argument that decisions around amnesties must be made at the outset, although in Argentina the initial blanket amnesty was later limited to the lower ranks (although there were not many prosecutions at higher levels). In Sierra Leone, the Commission worked alongside the Special Court after the abandonment of amnesty provisions. In Chile, where there was a very real fear of a military backlash, there was initial acceptance of a blanket amnesty and no “naming of names” of perpetrators, but the highest court in Chile has very recently invalidated the main amnesty law as going too far in providing impunity for perpetrators. Indeed the issue of the “on-the-runs” is still to be resolved in Northern Ireland; at the time of writing there is no clarity around how such persons are to be treated and what efforts, if any, are to be made to arrest or prosecute them.⁶³ In Sri Lanka, 400 members of the security forces were charged.

58. Equipping a Commission with wide judicial powers, whether or not these include powers of amnesty, will need to be accompanied by strong procedural safeguards. Given the importance of this matter the Commission will seek the opportunity to address such procedural safeguards separately from this general response. We have already touched on this in the chapter on amnesties in our July 2003 paper summarising the international law.⁶⁴

Methods of information gathering

59. When considering how evidence is to be secured, should there be a power to subpoena witnesses, such as existed in Ethiopia through the Office of the Special Prosecutor, and also in South Africa? Argentina had no judicial powers, such as a power of subpoena, but it did provide supportive evidence for the court system, as did the Commissions in Chile and Sri Lanka.

60. As part of the investigative process, and linked to the subsequent process of dissemination, is the question of how evidence is taken, whether behind closed doors or in public. This is relevant to the issues around amnesty and to the possibility of legal and extra-legal repercussions for witnesses. Many

⁶³ See footnote 9 above.

⁶⁴ See footnote 7.

Commissions, such as those in Guatemala, El Salvador, Chile and Argentina have heard evidence behind closed doors, whilst South Africa also had public sessions, as did East Timor (with very community-based hearings in some instances). With perhaps more sensitivity to the victim's perspective, in Sierra Leone private hearings were arranged for children and female victims of sexual violence.

61. How information is disseminated may be the crucial element of historical clarification, and most Commissions resulted in reports.⁶⁵ Undoubtedly some processes were more public than others, with the media present throughout, as in South Africa. The final report in Rwanda was also very widely distributed throughout the world as was that of Sierra Leone.⁶⁶ International dissemination can have an added impact at home given the sense of accountability on a world stage.

Recommendations

62. It is important that any process be clear at the outset as to its more specific goals. If recommendations are to be made, what areas are to be touched upon—for example, will this include reparation? Will there be follow-up on any recommendations and what undertaking will be required of governments in signing up to the process? Many of the international examples have yet to see any action taken on the recommendations in their reports. It is interesting to note the recent developments in Chile, with the government announcing a \$70 million reparation scheme designed to acknowledge the 28,000 victims identified in its report. In Sierra Leone there were three types of recommendations:

imperatives—eg abolition of the death penalty;

“work towards”—eg compulsory human rights education in schools and public services;

“seriously consider”—eg introducing alternative forms of dispute resolution.

63. Another lesson from international experience is that any ‘official’ truth process in Northern Ireland needs to integrate and build on the very valuable work which has already been done by previous efforts including those of the numerous non-governmental groups involved in dealing with the conflict and its legacy. The importance of inclusion of previous official and unofficial work was evidenced in South Africa, Bolivia, Guatemala and Uruguay, which built on previous unofficial truth and reconciliation initiatives and processes. Entirely unofficial, but nevertheless worthy, processes have occurred in Brazil, Columbia and Paraguay.

AN INDIGENOUS PROCESS

64. Whilst many of the causes and effects of the conflict in Northern Ireland are common to other international conflicts which have been reviewed by truth commissions, the conjunction of factors in our conflict is unique and therefore the overall process must reflect that.

65. An indigenous process is vital for participation and a sense of ownership. This was most acutely illustrated in reporting by the BBC following the publication earlier this year of the Stevens Inquiry on the murder of Pat Finucane: “Sir John has the power to recommend sweeping changes in the way the police conduct operations. . . but he doesn’t have the power to change the underlying attitude of politicians or communities.”⁶⁷

66. Self-design is part of a process of acceptance, and requires consultation. Indeed the United Nations view is that “pre-packaged solutions are ill-advised”⁶⁸ but that “the most successful transition justice experiences owe a large part of their successes to the quantity and quality of public and victim consultations”.⁶⁹

67. The community in Northern Ireland has had to face conflict for so many years that it has hardly dared to think of peace; an opportunity must be afforded for informed consideration of the place of truth process in making and building peace. It is vital that information is shared with the community around possible options, and experiences in other jurisdictions, in order to facilitate consultation. International experience teaches that “. . . the degree to which a truth commission operates with the civil society of a country—with the victims organisations, human rights organisations and others—influences its access to information, its effectiveness in addressing the needs of victims as well as its standing in the eyes of the public.”⁷⁰

68. An early assessment of community and survivor needs can also be crucial in managing the expectations that a society may hold with respect to a truth commission.⁷¹

⁶⁵ The report of the Commission of Inquiry in Zimbabwe has not been made public.

⁶⁶ The final report contained an executive summary, historical antecedents of the war, causes of the war, nature of the conflict, role of external actors, circumstances which fuelled the war, impact on women and children and detailed recommendations.

⁶⁷ Kevin Connelly reporting for BBC News, *see* news.bbc.co.uk, April 2004.

⁶⁸ UN Security Council, Report of the Secretary-General, *The rule of law and transitional justice in conflict and post-conflict societies*, S/2004/616, p8.

⁶⁹ *ibid.* p7. *See also* the Truth Commission Project, www.truthcommission.org.

⁷⁰ Secretary-General’s report as above, p7, and Truth Commission Project, as above.

⁷¹ *See* Truth Commission Project.

69. The Commission recognises that consultation will not produce a uniform result: “the reality is that the work of conflict resolution is exactly that of contested ground. . . it is controversial.”⁷² It is vital that preparation considers the fact that opinions will be diverse, and makes provision for this beyond asking fixed “safe” questions.

70. In terms of the process of prior consultation, the Commission would refer to its own work on developing its thinking on a Bill of Rights, and that of the Patten Commission on the reform of policing in Northern Ireland.

71. Furthermore, consultation should not be confined to a pre-establishment period but should feed into the workings of the process via strategic sequencing throughout; it should include monitoring of the impact for some period after conclusion. Recent research for the Northern Ireland Office found that whilst at that time there was 70% support for a physical memorial and some form of truth commission,⁷³ “there is a need to monitor views about victimhood and associated factors on a regular (perhaps five-yearly) basis”.

ASSOCIATED ISSUES

72. The Committee’s invitation to contribute to the present inquiry advised that it “may also choose to examine associated issues which arise in the course of the inquiry”, and the Commission regards this sense of openness as crucial to early discussions. As previously mentioned, many victims in Northern Ireland are campaigning or hoping for an independent inquiry into the death of their loved ones, and the Commission welcomes the opportunity to discuss its concerns as to the interplay between such investigative processes and the potential process(es) within the scope of the present NIAC inquiry.⁷⁴

73. The Commission would refer to the recent statement of counsel for the Bloody Sunday Inquiry at the close of the 400 days of hearings: “It has to be said that, even after many days of evidence, the answer to even the first question—who shot them—is not, on the soldiers’ evidence, in any way clear.”⁷⁵ While that tribunal heard over 900 witnesses, it remains to be seen whether it will be able to resolve some of the most fundamental matters of fact. With that in mind, it is important not to raise expectations of the capacity of a tribunal-style or less formal process, however well supported, empowered and resourced, to uncover everything.

74. As recently recognised by the Oireachtas (Irish parliament) review of the Barron Report into the Dublin and Monaghan bombings, the length of time since the atrocities, the lack of any powers of compellability for Judge Barron, the resources available to him and the lack of co-operation from the UK authorities were insuperable obstacles to any conclusive determination of the facts.⁷⁶ These difficulties could beset future such inquiries or a full-scale Northern Ireland Truth Commission.

75. There is the option that cases such as Omagh would be heard within the process of a truth commission but considered under their own heading, as it were lifted out by a Weston Park-style⁷⁷ process for specific inquiry. If this were to happen, undoubtedly the mechanisms alluded to by Judge Cory in his reports (around controlling cost) would have to be considered very closely. Certainly any such selection process would have to be consulted on in order not to build resentment amongst victims in Northern Ireland; it might be too crude a criterion to use, for example, the number of deaths associated with a particular event. (As an aside, it would surely be inappropriate to exclude from the scope of any truth commission or similar exercise any events already subjected to scrutiny by inquiries where significant limitations in powers or mandate were highlighted by the inquiry itself or by those who commissioned it.)

76. Any truth process must recognise, as Professor Colin Warbrick advised the Oireachtas Joint Committee reviewing the Barron Report, that “States can do very little without co-operation but can do almost anything with co-operation.” As members of that Committee struggled with the issues of evidence they pondered that “It must be possible, in appropriate cases, to provide a civil public inquiry in one jurisdiction with legal recognition in another member state where it could have evidence gathering and compellability powers.”⁷⁸ The possibility of a cross-jurisdictional forum for victims North and South to

⁷² *Truth and Justice: a Discussion Document*, Eolas Project/Relatives for Justice, September 2003, p2.

⁷³ Cairns, E & others (June 2003) *Who are the Victims? Self-assessed Victimhood and the Northern Irish Conflict*; NIO Research and Statistical Series, Report no. 7, p1. Similarly the Northern Ireland Life and Times Survey in 2000 found that 64% of people agreed with the proposition that there should be a special memorial to victims of the Troubles.

⁷⁴ See the response of the Commission to the recent Department of Constitutional Affairs consultation on Public Inquiries.

⁷⁵ *Guardian Unlimited* 22 November 2004. Some £150 million has been spent on 433 days of inquiry, hearing 921 witnesses and considering 1,555 written statements. The report of the Saville inquiry is to be published in the summer of 2005, more than seven years after it was set up.

⁷⁶ Joint Committee on Justice, Equality, Defence and Women’s Rights, Final Report to the Oireachtas (November 2004) on the Report of the Independent Commission of Inquiry into the Dublin and Monaghan Bombings, p18: www.oireachtas.ie.

⁷⁷ Negotiations on policing, normalisation, stability of institutions and and decommissioning at Weston Park following the Good Friday Agreement selected six cases involving collusion allegations: www.nio.gov.uk/proposals.

⁷⁸ Committee minutes, para 3.33.

liaise was also mooted, as was the “letter of request” procedure.⁷⁹ Judge Cory advised that agreement was needed between the two governments, and this is crucial to whichever mechanism is used to investigate other such cases.

77. Such considerations also impact upon ongoing criminal investigation of events. The Commission has been involved in discussions with the newly formed Serious Crime Review Team within the Police Service of Northern Ireland (PSNI). As part of such dialogue we were advised that the PSNI was involved in a scoping study based on a new database which was grading cases on the material available. A preliminary case assessment follows with a view to identifying evidential opportunities, with a report being provided to the Assistant Chief Constable (ACC) within six weeks. If the ACC decides that a full deferred review will take place, this will be considered by a panel that may elect to place the case before the new murder investigation team essentially as a fresh case.

78. The Commission, whilst recognising the amount of effort which has gone into to the creation of the Serious Crime Review Team and deferred case review plans, is concerned that the bereaved are not being contacted by the PSNI. They are not being recognised and treated in the same way as the families of victims in fresh cases, and are not given opportunities to contribute their knowledge to the investigation. There is insufficient public awareness about the work and it would be helpful to the work of the Review Team to have more clarity about the goals, processes, funding and the involvement of the bereaved.

79. The Commission has also for some time raised questions around how the correlation between some 2,000 unsolved murder cases and the backlog of some 2,000 cases in the coroner’s system, and how the outcome of further review might affect any coroner’s decision which has been made. The Commission has also furnished its views on reforming the office of coroner, and on how inquests could work better in Northern Ireland, and any suggestions around truth and recovery would have to address this limb of the investigative process also.⁸⁰

80. As previously mentioned the Commission would wish to address in detail procedural issues around the provision of evidence such as compulsory disclosure under limited embargo.⁸¹ There are many technical questions to be resolved once the initial matters of format, scope, timeline and so on are settled, and complete clarity of process is required to ensure maximum participation.

81. Beyond issues of investigation, the issues of prosecution, impunity and amnesty have been mentioned. The Commission has been advised, for example, that a fair proportion of the “on-the-run”⁸² cases would evidentially be worth pursuing. However, it has been argued that acceptance of responsibility by a perpetrator may be almost as valuable to a victim as punishment of the perpetrators. The Commission has previously taken the stance that the value of amnesty to the recovery process might outweigh the benefit of individual prosecution, as indeed was the case in South Africa, where the family of Steve Biko were denied their right to “access to justice” because the country’s need for *ubuntu* (reconciliation) was deemed by the Constitutional Court to take precedence.

82. The Commission remains convinced that, whilst no process may be completely successful in easing “the hurt of the last 30 years”,⁸³ the impact of the Troubles on future generations can be alleviated, and that we can attempt with integrity to provide answers to the questions which have arguably prolonged aspects of grief for so many in our society. In order to do this, we must first ask the people of Northern Ireland how they have been harmed and how they might be helped, recognising throughout that a “reconciliation process is not finished when people peacefully coexist.”⁸⁴

83. The Commission would, in conclusion, encourage the Committee to prioritise work on this important and sensitive subject, and to provide an early indication of when and how it proposes to move beyond this initial comparative phase. It should seek out the views of victims’ groups, and the expertise of those who have been directly involved in foreign processes, and those, such as the Truth Commissions Project referred to above (para 5), who have studied them. The Committee should encourage wider public debate and discussion, and in that context may wish to consider accelerating the timetable for publication of its first report and/or dispensing with the customary embargo on the publication of evidence until the report is issued.

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⁷⁹ The difficulties with this procedure were debated, including the fact that the (UK) Evidence (Proceedings in other Jurisdictions) Act 1975 did not allow for a “fishing expedition”, and was only to be used in criminal proceedings. The difficulty of the Banković case (a failed application to the European Court concerning jurisdiction over extra-territorial acts of war by ECHR-party NATO states) was also referred to: *Banković and Others v Belgium and 16 Other Contracting States* (application no 52207/99).

⁸⁰ See Parliamentary question on this issue, Hansard, 1 November 2004 WA14.

⁸¹ Also recommended by Matrix Chambers in the review of Death Certification and Investigation in England Wales and Northern Ireland (2003 report, Cm 5831).

⁸² See footnote 9 above.

⁸³ Northern Ireland Affairs Committee announcement of inquiry.

⁸⁴ *Overview of the Sierra Leone Truth and Reconciliation Report*, para 30.

SELECTED TRUTH COMMISSIONS AND RELATED PROCESSES

By some estimates more than 40 “truth commissions” have taken place to date. In the absence of an agreed international definition, this appendix provides brief details of some 29 state-sponsored truth recovery processes, along with eight examples (italicised) of unofficial but significant exercises.

<i>Africa: 11 (2)</i>	<i>Americas: 11 (6)</i>	<i>Asia: 5</i>	<i>Europe: 2</i>
Burundi	Argentina	East Timor	Germany
Chad	Bolivia	Nepal	Serbia and
Ethiopia	+ 1 unofficial	Philippines	Montenegro
Ghana	Chile	South Korea	
Nigeria	Colombia	Sri Lanka	
Sierra Leone	Ecuador		
South Africa	El Salvador		
+ 2 unofficial	Guatemala		
Uganda (2)	+ 1 unofficial		
Zimbabwe	Haiti		
	Panama		
	Paraguay		
	Peru		
	Uruguay (2)		
	+ 1 unofficial		

AFRICA

Burundi

International Commission of Inquiry (Nikken Commission)

Time frame: 1995–96

Process: official, under UN auspices.

Mandate: to investigate killings from coup attempt in October 1993 to August 1995.

Report: published August 1996.

Outcome: overtaken by the reality of mass killings since.

Chad

Commission of Inquiry into the Crimes and Misappropriations Committed by Ex-President Habré, his Accomplices and/or Accessories, Commission d’Enquête sur les Crimes et Détournements commis par l’ex-président Habré, ses co-auteurs et/ou complices

Time frame: 1990–92

Process: official, established by presidential decree.

Mandate: to investigate conduct of the Hissène Habré government (1982–90), including extrajudicial killings.

Report: published in May 1992.

Outcome: report was detailed, despite limited resources, and was widely regarded as credible when issued, but its impact was reduced by abuses attributed to the government which established it. Many recommendations ignored, although a human rights commission was created.

Ethiopia

Office of the Special Prosecutor

Time frame: created in 1992.

Process: official, established by the President.

Mandate: to create a historical record of abuses by the Mengistu regime (1974–91) and to prosecute instances of corruption and human rights violations.

Report: the Office is still in operation, providing information for trials, which began in 1994 and are still under way, of hundreds of former officials.

Outcome: logistical and financial problems; long delays in charging and prosecuting those detained led to accusations of human rights violations within the investigative process.

Ghana

National Reconciliation Commission

Time frame: 2002–

Process: official, National Reconciliation Commission Act 2002.

Mandate: to promote national reconciliation by establishing an accurate and complete historical record of human rights violations and abuses related to killing, abduction, disappearance, detention, torture, ill-treatment, and seizure of properties in the period from 6 March 1957 to 6 January 1993. The Commission is also charged with making recommendations for redress of victims of human rights abuses, and for institutional reforms to prevent such occurrences in the future.

Report: still in operation.

Nigeria

Human Rights Violations Investigation Commission (HRVIC, also known as the Special Human Rights Commission, or Oputa Panel)

Time frame: 1999–2002

Process: official, appointed by President Obasanjo.

Mandate: to investigate human rights abuses committed from 1966 to 1999.

Powers: investigation of individual and institutional responsibilities, recommendations.

Report: report delivered in May 2002, not made public to date although an unofficial version has just appeared in a news magazine.

Outcome: no reported implementation measures; NGOs are still campaigning to have the report released.

Rwanda

International Commission of Investigation of Human Rights Violations in Rwanda since 1 October 1990

Time frame: 1993

Process: official, set up by four international NGOs but reconstituted as an official commission after the Arusha Accords (1992) between the government and the armed opposition.

Mandate: investigation of abuses (by government forces only) in 1990-92.

Report: Final Report of the International Commission of Investigation.

Outcome: widely circulated report, significant impact on the policies of Belgium (accepted criticism) and France (withdrew troops after ceasefire was agreed, two days after publication of report). Positive impact obviously overtaken by the 1994 genocide.

Sierra Leone

Truth and Reconciliation Commission

Time frame: 2000–04

Process: official, created by law following the Lomé peace accord.

Mandate: to produce a report on human rights violations from the beginning of the conflict in 1991 until its end in 1999, and to make recommendations to facilitate reconciliation and prevent a repetition of past abuses.

Report: issued in October 2004.

South Africa

Truth and Reconciliation Commission

Time frame: 1995–2000

Process: official, set up by the parliament.

Mandate: to document past human rights violations 1960–93 (individual cases and structural causes), and to propose measures of reparation and prevention.

Powers: subpoena powers, judicial powers (including power to grant amnesty).

Report: Final Report published in 1998, five volumes, available online; the Commission continued hearings for a further two years.

Outcome: despite official endorsement, the recommendations of the Commission have not yet been fully implemented.

Commission of Inquiry into Complaints by Former ANC Prisoners and Detainees (the Skweyiya Commission)

Time frame: 1992

Process: unofficial, established by the African National Congress.

Mandate: to investigate abuses in ANC-run detention camps in 1979-91.

Report: published October 1992.

Outcome: the ANC accepted collective responsibility for the abuse of many of its prisoners but no individuals were made accountable; the process lacked independence (two senior ANC members serving as commissioners) and lacked procedural safeguards.

Commission of Inquiry into Certain Allegations of Cruelty and Human Rights Abuses against ANC Prisoners and Detainees by ANC Members (the Motsuenyane Commission)

Time frame: 1993

Process: unofficial, established by the African National Congress.

Mandate: as above, established following criticism of the adequacy of the 1992 process.

Report: published August 1993.

Outcome: the ANC accepted severe criticism and called for the establishment of what became the national Truth and Reconciliation Commission.

UGANDA

Commission of Inquiry into Violations of Human Rights

Time frame: 1986–94

Process: official, established by the President.

Mandate: to investigate human rights violations under the governments of Milton Obote and Idi Amin between 9 October 1962 and 25 January 1986, and to make recommendations into ways of preventing the recurrence of such events.

Report: *Findings, Conclusions and Recommendations* published in October 1994.

Commission of Inquiry into the Disappearances of People in Uganda since 25 January 1971

Time frame: 1974

Process: official, established by President Amin.

Mandate: to investigate “disappearances” allegedly caused by military personnel in 1971–74.

Report: published in 1974.

Outcome: the Amin regime did not respond to the findings in the report but it has been accepted as an historical account.

ZIMBABWE

Commission of Inquiry

Time frame: 1985

Process: official, set up by President Mugabe.

Mandate: to investigate the killing of an estimated 1,500 political dissidents and other civilians in the Matabeleland region in 1983.

Report: has not been made public by the government.

Outcome: while the defence ministry acknowledged that abuses had taken place, the government took the line that publication of the report would endanger peace and stability.

AMERICAS

ARGENTINA

National Commission on the Disappeared, Comisión Nacional sobre la Desaparición de Personas (CONADEP)

Time frame: 1983–84

Process: official, established by President Alfonsón (Decree Law 187/83, 15 December 1983).

Mandate: to investigate human rights violations during the “dirty war” of the military regime 1976–83, including some 9,000 “disappearances”.

Powers: no subpoena, no judicial powers but supportive evidence for courts.

Report: *Argentina—Nunca Más: Informe de la Comisión Nacional sobre la Desaparición de Personas* (November 1984), based on 50,000 pages of testimony.

Outcome: fully endorsed by government but rejected by armed forces; recommendations on follow-up and compensation partially implemented; prosecutions and structural reforms.

BOLIVIA

National Commission on the Disappeared, Comisión Nacional de Investigación de Desaparecidos

Time frame: 1982–84

Process: official, established by President Siles Suazo.

Mandate: to investigate the disappearance of citizens under military rule, 1967–82.

Report: no final report: commission was dissolved before completing its work.

Committee for the Trial of García Meza, Comité impulsor del Juicio contra García Meza

Time frame: 1984–90

Process: unofficial, established at instigation of church, trade unions etc.

Mandate: to investigate human rights violations under military rule, 1973–90.

Report: gathered some 30,000 pages of testimony against Gen. García Meza and his staff.

Outcome: led to prosecution of the ex-dictator, who was sentenced in 1992 to 30 years’ imprisonment, and to more than 50 other trials.

BRAZIL

Brazil “Never Again” Project, Projeto Brasil Nunca Mais

Time frame: 1979–85

Process: unofficial, created by Catholic and Protestant churches.

Mandate: to investigate violations under military rule 1964–79.

Report: *Brasil Nunca Mais* (November 1985), supplemented by a detailed listing of victims in *Dossiê dos Mortos e Desaparecidos Políticos a partir de 1964* (1995).

Outcome: no significant follow-up until 1995, when a new statute (Decree Law 869/95) provided for compensation to victims of past abuses.

CHILE

National Commission for Truth and Reconciliation, Comisión Nacional de Verdad y Reconciliación (the Rettig Commission)

Time frame: 1990–92

Process: official, established by President Aylwin (Supreme Decree 355, 24 April 1990).

Mandate: human rights abuses resulting in death or disappearance during years of military rule from 11 September 1973 to 11 March 1990 (ie the Pinochet regime).

Powers: no subpoena or judicial powers, but provided supportive evidence for courts.

Report: *Report of the Chilean National Commission on Truth and Reconciliation*, known as the Rettig Report. It includes an account of abuses (over 1,000 pages), a set of recommendations (72 pages) and biographical details of victims (635 pages).

Outcome: fully endorsed by government, presidential apology; rejected by armed forces and Pinochet. Comprehensive implementation of recommendations, including compensation and reparation.

Colombia

Colombia Never Again, Crimes Against Humanity, Colombia nunca más, crímenes de lesa humanidad

Time frame: 1995–

Process: unofficial, established by a group of NGOs.

Mandate: To document human rights abuses in Colombia since 1965.

Report: still under way but a partial report on abuses that took place in two regions (out of 18) was made available in 2000.

Ecuador

Truth and Justice Commission, Comisión de la Verdad y Justicia

Time frame: 1996–97

Process: official, established by President Bucaram.

Mandate: to investigate at least 176 cases of human rights abuses over the previous 17 years.

Report: no final report.

Outcome: ceased to function five months after it started its work (when Bucaram was removed from office by Congress).

El Salvador

Truth Commission, Comisión de la Verdad

Time frame: 1992–93

Process: official, set up by the peace agreement with UN support.

Mandate: to investigate serious human rights abuses during the 1980-91 conflict.

Powers: no subpoena, no judicial power, binding recommendations.

Report: *From Madness to Hope: the 12-year war in El Salvador*.

Outcome: rejected by armed forces and government on the basis that the Commission had gone beyond its mandate. The FMLN guerrilla movement had made its acceptance of the report conditional on the government's. Slow and limited implementation of recommendations (which included reparation and compensation).

Guatemala

Commission for Historical Clarification, Comisión para el Esclarecimiento Histórico (CEH)

Time frame: 1994–99

Process: official, set up by the Oslo peace accord between the government and UNRG guerrilla movement, with UN assistance.

Mandate: to investigate human rights violations in the 36-year armed conflict.

Powers: no subpoena, no judicial powers, confidential hearings, recommendations.

Report: *Guatemala: Memoria del Silencio* ("a memoir of silence", February 1999).

Outcome: lukewarm endorsement by government, presidential apology but no commitment to implementation. The US administration said that it was "surprised" by the conclusions. No action on compensation or reparation, no prosecutions.

Project for the Recovery of Historical Memory, Proyecto de la Recuperación de la Memoria Histórica (REMHI)

Time frame: 1995–98

Process: unofficial, established by a church-based NGO.

Mandate: to investigate human rights violations during the armed conflict, 1970–94.

Report: *Guatemala: Nunca Más (1998)*.

Outcome: this report of over 1,400 pages, dealing with the fate of some 1.44 million victims of human rights violations, formed the basis for the work of the official truth commission.

Haiti

National Truth and Justice Commission, Commission nationale de vérité et de justice (CNVJ)

Time frame: 1994–96

Process: official, established by President Aristide.

Mandate: to investigate human rights abuses from the September 1991 coup that overthrew President Aristide until his restoration to power following the September 1994 occupation of Haiti by US troops.

Report: *Rapport de la Commission nationale de vérité et de justice* (February 1996).

Outcome: recommendations for structural reforms and creation of commission for reparation to victims were not fully implemented; Aristide was subsequently ousted.

Panama

Truth Commission, Comisión de la Verdad

Time frame: 2001–04

Process: official, established by President Moscoso.

Mandate: to investigate human rights violations, including 150 “disappearances”, during the military-dominated governments of Generals Omar Torrijos and Manuel Noriega between 1968 and 1989.

Report: interim report issued in 2002. The Commission was reported to be still in operation in December 2004, but with no funding beyond the end of the year.

Paraguay

Paraguay “Never Again”, Paraguay Nunca Más.

Time frame: 1984–90

Process: unofficial, set up by Churches’ Committee for Emergency Aid (Comité de Iglesias para Ayudas de Emergencia, CIPAE).

Mandate: to investigate human rights abuses in 1974–89, ie under the Stroessner regime.

Report: published a series of four reports in 1990.

Outcome: the involvement of CIPAE and other church-based groups in denouncing human rights abuses is generally held to have contributed to the downfall of the Stroessner regime in 1989.

Peru

Truth and Reconciliation Commission, Comisión de la Verdad y Reconciliación en el Perú

Time frame: 2001–03

Process: official, established by President Paniagua (Supreme Decree 065-2001-PCM).

Mandate: to investigate human rights violations committed in Peru between 1980 and 2000 as result of the armed conflict between state forces and the Tupac Amaru Revolutionary Movement and Sendero Luminoso guerrillas.

Report: Final Report, August 2003.

Outcome: recommended structural reforms and reparations for victims, with a mechanism to monitor implementation. Findings were endorsed by the Toledo government but without firm commitments on implementation. (This commission followed earlier, smaller-scale investigations into killings of prisoners and of journalists.)

Uruguay

Investigative Commission on the Situation of “Disappeared” People and its Causes, Comisión Investigadora sobre la Situación de Personas Desaparecidas y Hechos que la Motivaron

Time frame: April–November 1985

Process: official, established by parliament.

Mandate: to investigate disappearances during the period of military rule (1973–82).

Report: Informe Final (1985). At the same time as this investigation, there was also a smaller parliamentary Investigating Commission on the Kidnapping and Assassination of National Representatives Zelmar Michelini and Hector Gutiérrez Ruiz. This inquiry released its findings in October 1985.

Outcome: minimal impact, report (presented to the courts) not widely distributed inside or outside Uruguay. The president opposed any serious attempt to investigate past abuses and the Commission's mandate prevented investigations into illegal imprisonment or torture, although these constituted the more common form of violations. In 1986, an amnesty decree gave immunity from prosecution to military and police personnel for human rights violations committed prior to 1 March 1985 for political motives or in fulfilment of orders.

Uruguay "Never Again", Uruguay—Nunca más

Time frame: 1986–89

Process: unofficial, set up by a church-based NGO, Service for Peace and Justice (SERPAJ)

Mandate: investigation of human rights abuses by the state in 1972–85.

Report: Uruguay—Nunca más, informe sobre la violación de derechos humanos (February 1989).

Outcome: the report had wide circulation and was said to have made up for some of the deficiencies of the official commission's investigation.

Peace Commission, Comisión para la Paz

Time frame: 2000–03

Process: official, established by President Batlle.

Mandate: investigation of the fate of the disappeared during the military regime in power from 1972 to 1985.

Report: Final Report (2003) dealing with 31 disappearances.

Outcome: the Commission recommended "comprehensive and complete" reparation to victims. No implementation to date, and ongoing debates about review of 1985 amnesty laws which some victims' families say deprives them of justice.

ASIA

East Timor

Commission for Reception, Truth and Reconciliation

Time frame: 2001–05

Process: official, established by the UN Transitional Administration in East Timor.

Mandate: to investigate human rights violations committed there between April 1974 and October 1999, resulting in the death of an estimated 200,000 East Timorese; to facilitate reconciliation and reintegration of minor criminal offenders who submit confessions, through local "Community Reconciliation Processes"; and to recommend further measures to prevent future abuses and address the needs of victims.

Powers: no power to grant amnesty.

Report: due in July 2005.

Nepal

Commission of Inquiry to Find the Disappeared Persons

Time frame: 1990–91.

Process: official, created by the provisional government of Prime Minister Krishna Prasad Bhattarai.

Mandate: to examine allegations of human rights violations during the Panchayat system under which political parties were banned from 1962–90.

Powers: investigation, recommendations.

Report: completed 1991, published in 1994.

Outcome: few of the recommendations were implemented. The Commission itself was controversially dissolved and reconstituted.

Philippines

Presidential Committee on Human Rights

Time frame: 1986

Process: official, established by President Corazon Aquino.

Mandate: to investigate human rights violations attributed to the military during the 1972–86 rule of President Ferdinand Marcos.

Powers: broad mandate, but not given appropriate staff or budget.

Report: no final report.

Outcome: the Committee was overwhelmed with complaints and, given its lack of resources, was unable to operate effectively. Human rights violations continued.

South Korea

Presidential Truth Commission on Suspicious Deaths (PTCSD)

Time frame: 2000-04

Process: official, established by President Kim Dae-Jung under a Special Act to Find the Truth on Suspicious Deaths.

Mandate: to investigate deaths of pro-democracy activists under past authoritarian regimes in South Korea; “to give proper reparation to the victims and their families [and] to rebuild the trust between the state and the people”.

Powers: limited investigative authority.

Report: the Commission reported on a total of 89 deaths, 56 of which it regarded as falling within its mandate (ie killings for which the state was responsible).

Outcome: ineffective in terms of leading to prosecutions. The mandate of the original Commission expired in 2002, and was extended for a further two years.

Sri Lanka

Commissions of Inquiry into the Involuntary Removal or Disappearance of Persons

Time frame: 1995–97

Process: official, established by President.

Mandate: three commissions (each covering a specific geographic area) to investigate whether individuals had “disappeared” from their abodes since 1 January 1988, to determine the fate of the disappeared and bring charges against those responsible for abductions. When the three commissions reported, the government created a follow-up body, the presidential commission for the investigation and elimination of involuntary disappearances.

Powers: investigation, report, evidence for courts.

Report: three final reports were published in 1997, following eight interim ones.

Outcome: compensation payments were made and over 400 security force personnel were charged with abuses.

EUROPE

Germany

Study Commission for the Assessment of the History and Consequences of the Socialist Unity Party Dictatorship in Germany, Enquete-Kommission Aufarbeitung von Geschichte und Folgen der SED-Diktatur in Deutschland

Time frame: 1992

Process: official, set up by parliament.

Mandate: to investigate human rights violations under communist rule in East Germany from 1949 to 1989.

Report: Bericht der Enquete-Kommission, June 1994, 15,000 pages; files of former security apparatus were opened for individual consultation.

Outcome: seen as a largely academic exercise, limited effect on public awareness of the past but successful in terms of documentation of abuses.

Serbia and Montenegro

Truth and reconciliation commission

Time frame: 2001–03

Process: official, established by President Vojislav Kostunica (Decision 15/2001, 31 March 2001).

Mandate: to investigate the causes of war crimes committed in Slovenia, Croatia, Bosnia and Kosovo over the last decade; to make recommendations on structural reforms and “symbolic reparation”.

Report: the Commission was wound up, without a final report, when the federal presidency was abolished in 2003.

Outcome: the Commission has been described as an object lesson in how not to run an effective truth process. It was established without adequate consultation and with limited representativity, and had an essentially academic focus on the causes (rather than effects) of the conflict and atrocities.

TRUTH COMMISSIONS AND RELATED PROCESSES IN TIME

1970–80	1980–90	1990–2000	2000–
1979: Brazil	1982: Bolivia 1983: Argentina 1984: Paraguay 1985: Zimbabwe 1986: Philippines : Uganda	1990: Chad : Chile 1991: Nepal 1992: Germany : El Salvador 1994: Haiti : Guatemala 1995: Sri Lanka : South Africa 1996: Ecuador 1999: Nigeria : Malawi	2000: South Korea : Uruguay : Panama : Sierra Leone 2001: Serbia/M'negro : East Timor : Peru 2002: Ghana

OFFICIAL TRUTH COMMISSIONS PRINCIPALLY AIMED AT HEALING OR RECONCILIATION

Chile, National Commission for Truth and Reconciliation

East Timor, Commission for Reception, Truth and Reconciliation

El Salvador, Truth Commission

Ghana, National Reconciliation Commission

Guatemala, Commission for Historical Clarification

Haiti, National Truth and Justice Commission

Peru, Truth and Reconciliation Commission

Sierra Leone, Truth and Reconciliation Commission

South Africa, Truth and Reconciliation Commission.

TRUTH COMMISSIONS AND RELATED PROCESSES GENERALLY CONSIDERED SUCCESSFUL

This is a subjective assessment based on the consensus among academics and practitioners. In some cases success is measured in terms of the overall achievements of the commission, in others it may be limited to its favourable impact at a time of transition, or the efficiency or credibility of the process.

Argentina, National Commission on the Disappeared

Chile, National Commission for Truth and Reconciliation

El Salvador, Truth Commission

Germany, Study Commission for the Assessment of the History and Consequences of the Socialist Unity Party Dictatorship in Germany

Guatemala, Commission for Historical Clarification

South Africa, Truth and Reconciliation Commission

Sources include:

United States Institute of Peace survey of truth processes: www.usip.org/library/truth.htm

Priscilla B. Hayner, "Fifteen Truth Commissions, 1974 to 1994: A Comparative Study," *Human Rights Quarterly* 16:4, November 1994, pp597-655.

Jorge Morales Morales, *Comisin de la verdad y reconciliación*, at www.monografias.com/trabajos14/comision-verdad/comision-verdad.shtml.

Daan Bronkhorst, *Truth Commissions and Transitional Justice: A Short Guide*, Amnesty International.

Comisión Andina de Juristas, *Comisión de la Verdad*, online resource of the Red de Información Jurídica at www.cajpe.org.pe/RIJ/.

Memorandum submitted by Professor Tom Hadden

1. INTRODUCTION

There is a very wide range of possible models for truth commissions or truth and reconciliation commissions drawn from those that have been established in the aftermath of conflicts throughout the world. The attention of the Committee will already have been directed towards many of these by other submissions. The purpose of this brief contribution is to suggest how this international experience might be applied in the particular circumstance of Northern Ireland.

2. THE UNDERLYING SITUATION

There are a number of different constituencies to which the proceedings of any truth or reconciliation commission in Northern Ireland might be addressed. At least five distinct categories, each with different perspectives and expectations, can be identified:

- (a) victims
- (b) perpetrators
- (c) society
- (d) the human rights community
- (e) the authorities

None of these, however, is a coherent group with a single objective. But it may assist to summarise some of the views and demands within each group as they have emerged over the past few years.

3. VICTIMS' PERSPECTIVES

It seems clear from various interviews and reports that most victims want some form of acknowledgement of their suffering.⁸⁵ But there is also a significant distinction between those who focus their demand on an acknowledgement of the truth of what happened to them or their relatives and the identification of who was responsible and those who in addition demand justice in the form of prosecution and punishment of those directly or indirectly responsible. It should be noted that these demands include the activities of both state and non-state forces and that any process that was perceived to be one-sided would be wide open to criticism and might increase rather than diminish the prospects of reconciliation. There is also a general demand for fairer compensation and better support services for all victims.

4. PERPETRATORS' PERSPECTIVES

The views and expectations of perpetrators and their representatives are naturally quite different. The primary focus from both state and paramilitary forces on either side of the conflict appears to be on the assertion of the legitimacy of their involvement in offensive and defensive operations. This is usually linked to some willingness to admit and apologise for incidents in which mistakes have been made and there have been civilian or other innocent victims. But this does not typically extend to victims they considered to be legitimate targets, whether as members of terrorist groups or of state security forces. In so far as their own positions are concerned most appear to expect or demand an acknowledgement that their participation in the conflict was not only understandable but entirely justifiable and that some form of amnesty would be appropriate, even in cases where mistakes were made.

⁸⁵ See, for example, *Healing through Remembering*, June 2002.

5. COMMUNAL PERSPECTIVES

The views of those not directly involved in the conflict whether as active participants or as victims or the families of victims would appear to be equally diverse. There is clearly a substantial body of opinion, probably of those less directly affected by the conflict, in favour of putting the past behind us and moving on without becoming involved in any formal truth or reconciliation process. But there is also some support for the idea of some form of truth and reconciliation commission through which victims might be encouraged to tell their stories and perpetrators to acknowledge what they did. Some proponents of the idea would add that this might also permit some victims to express their forgiveness and some perpetrators to express their remorse. Others would place greater emphasis on the production of a balanced account of the origins and the general nature of the conflict and/or of some high profile or representative incidents so that both main communities may be encouraged to develop a shared understanding of what happened, why it happened and how anything of the kind might be avoided in the future. It is not clear how far those supporting either of these approaches envisage any form of amnesty for perpetrators who come forward. But it is fairly clear that without the offer of some kind of amnesty or immunity from prosecution it is unlikely that those responsible for unlawful activity of any kind will be willing to tell the truth.

6. HUMAN RIGHTS PERSPECTIVES

There is on the surface a greater degree of consensus within the human rights community on what is required and permissible in respect of truth and reconciliation in the aftermath of internal conflicts. There is a requirement of a prompt, effective and independent inquiry into breaches of articles 2 and 3 of the European Convention on Human Rights.⁸⁶ There is also an emerging general international principle barring any form of impunity, including both formal amnesties and informal inaction, in respect of serious human rights violations involving international crimes such as torture or grave breaches of the laws of armed conflict. But the practical interpretation of these principles and relevant state practice diverges in important respects from the prevailing demands of human rights activists.⁸⁷ There is no clear consensus on what constitutes international criminality for the purpose of the bar on impunity and the Office of the Prosecutor of the International Criminal Court has indicated that it will use its discretion to prosecute to pursue only the most serious cases. The European Court of Human Rights has refrained from requiring prosecutions in all cases in which violations of articles 2 and 3 are established and has indicated that a full scale inquiry may not be required in cases where there is little prospect of success.⁸⁸ The House of Lords has also held that in national law the obligation to institute an inquiry may not apply in all cases in which the incident occurred before the Human Rights Act came into force.⁸⁹ And there are many examples of the adoption and acceptance of formal or informal amnesties in respect of serious human rights violations in the aftermath of serious internal conflicts throughout the world.

7. OFFICIAL PERSPECTIVES

From a governmental point of view there are also a number of conflicting pressures. There is a general concern to avoid a commitment to hold formal inquiries into the huge number of disputed incidents for which public judicial inquiries have been demanded and in the light of the huge cost of Lord Saville's Bloody Sunday Inquiry to limit the expenditure involved in those that are instituted. There is a related concern among the police and prosecuting authorities to avoid any excessive expenditure of manpower and resources in looking into the 2,000 or so old cases in which there may be an obligation to institute effective inquiries under articles 2 and 3 of the European Convention on Human Rights. In addition the British and Irish Governments are under pressure to find a way of meeting the demands of Sinn Fein for an effective amnesty for the "on the runs" and other suspects who have not yet been prosecuted for crimes committed during the conflict. But there is also a desire to comply with the requirements of international human rights law in so far as that is practicable. The underlying objective is thus to find a way of closing these cases in an acceptable way. One possibility that has been floated in respect of the "on the runs" would be to hold some form of judicial hearing which would make a finding of responsibility in appropriate cases and then authorise an immediate discharge for those responsible. A similar procedure might be invoked in respect of cases against members of state forces found to have acted unlawfully.

⁸⁶ *Jordan v United Kingdom* (2001) 34 European Human Rights Reports 52 and related cases.

⁸⁷ See generally, T Hadden, "Punishment, Amnesty and Truth: Legal and Political Approaches" in *Democracy and Ethnic Conflict: Advancing Peace in Deeply Divided Societies*, A Guelke (ed), Palgrave Macmillan, 2004, pp 117-126.

⁸⁸ *Finucane v United Kingdom*, (2003) 37 European Human Rights Reports 656.

⁸⁹ *In re McKerr* [2004] 1 Weekly Law Reports 807.

8. SOME PRACTICALITIES

It will be clear from this brief summary that it will not be possible to meet the concerns of all the relevant groups and constituencies in any single commission. Any set of proposals in this area is bound to be controversial and to disappoint or displease some of those involved. It should not therefore be seen primarily as a means of reconciliation but rather of meeting the legitimate concerns of at least some of those groups and individuals. But the discussion highlights a number of practicalities that should be taken into account in any set of proposals:

- (a) there will be a need to secure a basic level of co-operation from all sides, including the two governments and the major paramilitary bodies;
- (b) there will be a need to provide incentives for individuals from all those bodies to tell the truth rather than to conceal their potential legal liability—in this sense there is a choice between establishing the truth and achieving legal justice;
- (c) there will be a need to avoid undue legalism and its inevitable costs in the procedures of any commission—this suggests that it may be necessary, as in South Africa, to separate proceedings designed to establish the truth from those designed to deal with individual legal liabilities;
- (d) there will be a need to set specific and achievable objectives for any commission or commissions, including a limited time-span and a clear indication of the nature of the eventual outcome or report.

9. SUGGESTED FORMATS

My personal recommendation in the light of these various considerations would be to separate two key roles for any commission or commissions along the following lines:

- (a) a truth and acknowledgement commission with the principal purpose of providing a forum for victims and perpetrators to tell their stories and preparing a general report on the origins and nature of the conflict;
- (b) a legal closure commission with the principal function of settling the formal legal position, by way of amnesty, discharge or case closure, of the very large number of individual deaths and other incidents involving human rights abuses that occurred during the conflict.

10. NEXT STEPS

If any progress is to be made in this area, it would be desirable for the Committee to make some specific recommendations for possible formats along these or other lines rather than to produce yet another discussion and review of the international experience and the general issues involved. As already indicated, any set of proposals will inevitably disappoint or displease some of those involved in the discussion of the possibilities. But the prospects of reaching any more general consensus on what might be desirable will not be advanced without some indication of what would actually be involved in any realistic and practicable set of proposals.

30 December 2004

Witnesses: **Professor Brice Dickson**, Chief Commissioner, **Professor Tom Hadden**, Queens University and Commissioner, **Dr Nazia Latif**, Investigations Worker, Northern Ireland Human Rights Commission and **Ms Louise Mallinder**, Researcher, Queens University, examined.

Q657 Chairman: Professor Dickson, thank you so much for coming on your last day in office; you can feel free to be as indiscreet as you like. You know what we are about, we are about trying to look at whether there is a way forward in reconciliation after the Troubles; I suppose the first question to ask is what do you think your Commission has added to the debate about reconciliation and ways of dealing with the past?

Professor Dickson: Thank you for the invitation to be here, chairman. The Human Rights Commission believes it has a duty to ensure that the human rights perspective is maintained, if and when a truth recovery mechanism is set up in Northern Ireland. What we have done ourselves to date is to try and gather information about these sorts of processes around the world; we met, for example, with the

Commission of Inquiry into Child Abuse in the Republic of Ireland, and I would commend their processes to your Committee, not least because they seem to divide themselves into a body that looks at acknowledging the truth and a body that looks at awards of compensation, and their information-gathering processes are very interesting. We have met with a wide variety of victims' groups; we have done work on the so-called "on-the-runs"; we have developed proposals on victims' rights for our draft Bill of Rights; we have done work on systems for investigating deaths that comply with Article 2 of the European Convention on Human Rights; we have a working group on victims' rights that is looking at this issue and at preventing victimhood; we have supported a number of individual applicants who have come to us for assistance with court

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proceedings relating to victims' rights; and we have helped to develop the Commonwealth Secretariat's principles on victims of crime. Generally speaking, our remit as I see it is to ensure that human rights principles inform this whole debate.

Q658 Chairman: Victims often feel excluded from the reconciliation process and it is victims we have started with, so we are aware that we have only got, as it were, a view from one side but perhaps the side that has felt the most about what has gone on. What more do you think we can do to involve victims in the criminal justice system, such as the PSNI's cold case review and the work of the Commission for the Disappeared and that sort of thing?

Professor Dickson: We very much support the measures that have been taken to date to assist victims, such as you have mentioned; however, we would like to see many more resources put into the police's serious crime review team. We think it has the potential to satisfy the needs of many victims to have their hurt acknowledged and to have more information about what actually happened to their loved ones; we have noticed that the Police Ombudsman has investigated some of these old cases and has been able to reassure the families of the dead as to what actually happened in their cases. We think that victims' rights throughout this process need to be kept in mind, which is why we produced a report in July 2003 on human rights and victims of violence, and in that we have drawn heavily upon international standards on victims. We also believe that whatever system is finally adopted to help victims, it should be one that is based on the principle of equality. All the victims of the Troubles, regardless of who the alleged perpetrator is, should, we believe, be dealt with equally.

Chairman: Thank you very much indeed. The Reverend Martin Smyth.

Q659 Reverend Smyth: Continuing to look at the questions of the victims' rights, what could a Bill of Rights for Northern Ireland arguably contribute to reconciliation and dealing with the past and victims' rights?

Professor Dickson: In the draft Bill of Rights, the latest version of which we published in April 2004, we have called for a duty to be imposed upon the Government to take legislative and other measures to ensure that the loss and suffering of all victims of the conflict here, and the responsibility of state and non-state participants, are appropriately and independently established and/or acknowledged. I accept that that is a rather general and vague duty as currently worded, but we are anxious that more work be done to put detail on that, with the precise mechanism for independently establishing and acknowledging the loss and suffering and the responsibility, so that the ways of doing that are set out in more detail through legislation. Again, we believe that there are international standards that can guide that process.

Q660 Reverend Smyth: On those international standards, will you put victims in a conflict situation or will you go for victims' rights in a Bill of Rights that could be much broader and become a lawyers' paradise?

Professor Dickson: We are anxious to avoid that, certainly. I should add that in another sub-section of the same section of our draft Bill of Rights we set out what we think the rights of victims in the future should be—victims of crime in general—again based on international standards, and one of those rights would be the right to information, not just the right to information about the judicial process that might be taking place as a result of the victimhood, but information about the truth of what happened, more general information about the background of the particular incident involved. If justice is not obtainable in a particular case, then at least the truth about the incident should, as far as possible, we believe, be disclosed.

Q661 Reverend Smyth: Would it be right to suggest that at times it is because the real truth about the incident is not known that justice cannot be developed, and I am thinking—we do not want to revel in it—that an argument is going on in this city at this time where the people know the truth but it is not known in such a way that justice can be done?

Professor Dickson: We acknowledge that truth and justice are not necessarily the same thing, but the one should not be the enemy of the other. There are examples from elsewhere in the world of where victims have been able to receive the truth as to what happened without getting justice, and they have been satisfied with that in the sense that their hurt has been acknowledged and some degree of responsibility has been acknowledged, even though there has been, perhaps, no direct punishment imposed. It might be possible to devise that kind of mechanism in Northern Ireland.

Q662 Reverend Smyth: What support have you had for the suggestion of including victims in a Bill of Rights and for that Bill of Rights itself?

Professor Dickson: We have had a great deal of support for the inclusion of the rights of victims in the Bill of Rights, but there has been a slight difference of opinion as to the exact wording of the proposed sub-sections, but generally there has been substantial support for that. There is less support in general for the Bill of Rights; you will know yourself that your party and one or two other parties in Northern Ireland are not as supportive of an expansive Bill of Rights such as we have recommended, but we are anxious that the local parties here get together to discuss between themselves what should be in a Bill of Rights.

Chairman: We now come to another sensitive and contentious subject. Mr Bill Tynan.

Q663 Mr Tynan: Could you tell me, is it ever acceptable to forego legal justice in order to obtain the "truth" about the past?

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Professor Dickson: I think it is, and that has happened in some other jurisdictions, notably South Africa. Sometimes there are legal difficulties in obtaining justice, there are time limits imposed on prosecutions sometimes, there are technical difficulties in maintaining and presenting evidence, but if the alleged perpetrator of a crime is willing to come forward and confess and if there is plausible evidence available to support the truth of that confession, then that can often go a very long way to helping the families of the victims—it reassures them that their suffering is being acknowledged.

Professor Hadden: Could I perhaps take that issue a little bit further? I have got with me a researcher, Louise Mallinder, who has already identified almost 200 cases throughout the world since the Second World War of amnesties being imposed or being accepted as a result of conflict situations. The idea that this does not happen is just not true, it happens all over the place, the question for me is in what circumstances is it appropriate to trade truth and justice because, as Brice has explained to you, there are many circumstances in which you cannot get justice because the people who have the best evidence are not going to come forward. My view is that in most of the cases arising out of our conflict here it may be appropriate to make that trade, and that is why I suggested in my additional memorandum to you that we should be talking more about truth and acknowledgement rather than truth and reconciliation. My understanding of the South African process is that there are some question marks over the extent of the reconciliation which has come from their truth and reconciliation process. My view of the rights of victims is that they primarily want acknowledgement; some of them also want prosecutions and punishment but that actually cannot be delivered, and my view is that except in the most serious of cases it is appropriate for your Committee to think very seriously about the kind of trade-off between truth and justice that there might be. You will already be aware in relation to the on-the-runners that there is floating around the idea that these republican prisoners who are on the run might be brought before a judge and then effectively discharged if it is established that they actually did what they are alleged to have done. That would be one way to go; it would not be a formal amnesty but it would be as it were a grant of absolute discharge to those who come forward and admit what they have done. The other question that is on my mind, as Brice has mentioned, is equality between the various parties, the various perpetrators, and we have to be very careful that in developing a truth and acknowledgement commission we do not make it one-sided. We have to look carefully at state violations and also paramilitary violations. My view is that going down the route of something like the on-the-runners process, applied both to state and to non-state violations, might be a way forward to give as much truth as possible to the victims, but if you go down the road of punishment it is going to be very difficult to get equality between the victims of state and of non-state violations. You have to think carefully about how far you can go and what is in

accordance with international principles. The last point I would make on this is that international principles are actually quite flexible. They say, for example, that you must not have an amnesty in respect of torture, but what is torture? For a start, the European Court of Justice said that the five techniques were not torture but inhuman or degrading treatment, and there is no international bar on an amnesty in respect of inhuman or degrading treatment. So there is very much more flexibility in respect of what is appropriate by way of an agreed amnesty, which is non-discriminatory, than some human rights activists give you to believe. That is rather long, but I hope it helps.

Q664 Mr Tynan: The Committee are aware of how sensitive and how complex the issues are and how finely balanced the position is as regards that bigger issue. Many people have told us that as a result of the Troubles they have lost faith in the criminal justice system; do you consider that the system has failed the people of Northern Ireland?

Professor Dickson: The Commission would say that the system has failed in that it has not ensured investigations of the various killings that are compliant with the standards under Article 2 of the European Convention on Human Rights, and further obstacles to getting those investigations conducted have been put in the way of victims by the recent judgment of the House of Lords confirming that deaths prior to 2 October 2000 do not qualify for investigations that are compliant with Article 2, although, strangely, the House of Lords decided that deaths in custody in England prior to that did so qualify; that has caused some resentment within Northern Ireland, I have to say. Otherwise, I believe that the criminal justice system here has worked fairly well and the recent reforms and those that are in process at the moment will go a long way to ensuring that we have a very good criminal justice system that is based on human rights principles.

Q665 Mr Tynan: Do you consider that the overhaul of the criminal justice system that is being overseen by Lord Clyde is succeeding in enhancing its reputation in Northern Ireland?

Professor Dickson: Yes, very much so. We are very pleased with the progress that is being made in that area. We would like quicker progress to be made as regards reforms of the prosecution service, which still remains, so far as we can see, fairly unaccountable and non-transparent. We would like, for example, the DPP in many more cases than at present to give reasons for why prosecutions are not taken in certain instances.

Professor Hadden: Perhaps I could add a little bit on that. There is a distinction between people's views of the criminal justice system during the Seventies and Eighties and as to the future of what has been put in place now. The question is can you actually go back to what happened in the Seventies and Eighties and put things right to the extent that all of us would wish? My view is that you cannot and you should be realistic about this, and that the best way to do it is some form of truth and acknowledgement trade-off

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rather than say we must try to prosecute everybody, because that process would be very ad hoc, very unfair, some will get prosecuted and some will not. We have already seen the difficulties even this week of getting prosecutions against crimes where everybody knows—the dogs in the street know—who did it, yet it is difficult to get a prosecution. How much more difficult in relation to things that happened late at night in the country, or in Belfast alleyways in the 1970s and 1980s? It cannot be done.

Q666 Mr Tynan: In your view would amnesties for perpetrators undermine respect for the rule of law in Northern Ireland?

Ms Mallinder: I think it would depend partly on how the amnesty was organised beforehand and whether it included all crimes or whether it excluded certain more serious ones. The discussions and people involved in the process leading up to its collaboration, that might make them hang back a bit.

Professor Hadden: My addition to that would be if it is across the board, if it is perceived as fair, if it actually delivers more truth than you would get from relying exclusively on criminal investigations and if there was political support for it across the board, yes, it is a better way to go forward following the long period of conflict, a conflict in which there has been so much intimidation that the criminal process has not actually worked—and that intimidation, by the way, applies both to state offenders and non-state offenders.

Q667 Mr Tynan: It depends on the outcome and the trade-off as regards how you see the question of amnesty for perpetrators.

Professor Hadden: I have said that given the difficulties of getting effective criminal prosecutions for things that happened 20 or 30 years ago, and given the difficulty of producing evidence, I can see no alternative to some form of process in which you do a trade of truth and justice. It will not meet the requirements of all victims, but I think it might help the rest of us to move on.

Q668 Chairman: Can I just test you about this, Professor Hadden, because what do you do in your so-called acknowledgement with those who do not acknowledge that murder is wrong? What do you do with the Brighton bomber who said “Yes, I put the bomb there. I have done my time for it, I don’t regret it because it was a legitimate act, I am very sorry about the women and children who fell by the way”? What do you do about Mr Adams who says, yes, he regrets any mistakes but has not issued one word of regret for any of the murders that the IRA had committed? If you have to have a blanket amnesty for those in the interests of getting the truth, have they not also got to say that what they did was wrong?

Professor Hadden: Some will, but some will not.

Q669 Chairman: What about the ones who will not, will they not undermine the rule of law and cause more resentment than reconciliation?

Professor Hadden: The South African model was relevant there. The idea was that if you came forward and told the truth, then you were entitled to an amnesty provided that your particular offence fell within the particular definition of amnestiable offences; if you did not then you remained open to prosecution. Even if you accept that in certain cases people are not going to come forward, then you leave open the possibility of prosecution, even though you know in your heart of hearts that it is very, very unlikely to happen.

Q670 Chairman: What about the ones who have done their time, who cannot be prosecuted so there is no threat to them, but they still believe that what they did and the murders they committed were right and justified, and say so? It seems to me to be an anti-reconciliation measure.

Professor Hadden: That is something that happens after almost every conflict that I know of, people both on the state-side and the insurgents’ side believe that what they are doing is right and justified. That is the nature of difficult conflicts of the sort that we have been through. The people in the security forces who have committed acts which people in the nationalist community would regard as criminal, they regard themselves as having acted completely justifiably, and vice versa, the members of the IRA, the UDF and UDA regard themselves as having acted legitimately. I do not agree, but I am not sure that you can force them in any way to change their view.

Professor Dickson: Chairman, could I ask Dr Latif to add a few words?

Dr Latif: Just to say that on the Commission’s evidence, truth and reconciliation are not the same thing, and that is important to bear in mind. The truth is the mechanism, you arrive at the truth, but that is not necessarily the mechanism that is going to lead to reconciliation, so I think the reconciliation could come at a later stage or there could be a different part of the process, but I do not believe you can use the two terms interchangeably, truth and reconciliation.

Q671 Mr Beggs: Is the time right for a truth commission for Northern Ireland and what could a formal truth commission do which other initiatives such as “cold case” reviews, criminal investigations and public inquiries could not?

Professor Dickson: The Commission’s view is that while some kind of truth recovery mechanism should be put in place for Northern Ireland, the time is not right at the moment for that. We believe that there will have to be a lot more consultation with all the interested parties before such a mechanism could be put in place, and we are of the view that the current so-called consultation which the Secretary of State has put in place is far from adequate. We believe that if a mechanism is put in place, it can add a lot to the other mechanisms that you have mentioned, Mr Beggs, which are largely geared towards achieving justice for victims rather than the truth. We believe, for example, that the Inquiries Bill which is going through Parliament at the moment

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and which would be the mechanism by which further public inquiries are held into incidents in Northern Ireland, the chances are that it would not be adequate to obtain the truth because it is giving too much power, for example, to Ministers in the Government as regards the terms of reference and what can be disclosed at such inquiries, when in many of these instances the Government itself will be under scrutiny. That would hardly meet the requirement for independence that the international standards look for in that context. The short answer to your question is we think there should be a truth commission, but not yet.

Professor Hadden: Perhaps I could add something as to what your Committee could do. One of my concerns is that we are debating this issue in very general terms and looking at some international experience, but nobody is quite putting the hard questions into the public domain, particularly this question of the balance between truth and justice. I think your Committee could perhaps do a little bit better than most of the rest of us have done so far by saying here are some of the hard questions that the community and politicians will have to face up to, if we are going to go down this route. The hard questions would be something like, in reality, the criminal process is not going to resolve the demands, the claims, the wish of many victims for more truth about what actually happened to their friends and relatives, and if you want more truth you are going to have to go down the road of amnesty or discharge or something. If your Committee could get that across to the public by putting forward some realistic proposals as to what might be done, I think the debate could go forward; if you simply say there is interesting international experience here, everybody should go away and think about it, I do not think you will have taken it forward very much.

Chairman: Thank you for that, it is certainly in our mind to try and pose some questions.

Q672 Mr Beggs: Professor Hadden has partly referred to my next question, but nevertheless I will put it. Should a truth recovery process focus on individual events and individual responsibility or on the wider truth about general practices and institutional responsibility?

Professor Hadden: Both. Again, if you look at the South African experience they were quite good at splitting up the various bits of a truth and reconciliation or acknowledgement process. There was the general stuff, looking at state policy and so on, in which you can get general accounts of what went on, both at the paramilitary level and at the state level; they then separated out the process for victims to come forward and tell their stories, which is what some people think should be happening, and then they had a separate bit dealing with the individual perpetrators. To say that a single process or a single commission can do all the jobs that need to be done is wrong, you have to divide it up into various bits, and I suggest truth and acknowledgement for the victims process and a case closure commission to get over the continual demands for more and more expensive inquiries

which will not probably produce very much more than we know already about many of these incidents. Divide it up into achievable objectives in respect of victims and in respect of state policy, in respect of paramilitary activity and in respect of individual perpetrators.

Q673 Mr Beggs: What are the advantages of formal truth-seeking processes, sanctioned and supported by the state, over informal initiatives?

Professor Dickson: The Commission's view on that would be that the one does not preclude the other. We are in favour of informal, community-based initiatives as much as we are in favour of the more formal mechanism. There has got to be no one neat way of dealing with the past in Northern Ireland, as Tom Hadden has just indicated. The difficulty the state is faced with—and I hope your Committee will bring this out in your report—is that it would be easy for the state not to acknowledge that it was one of the players in the conflict. However one wishes to characterise that role, the state was a player and therefore it is difficult for the state itself to be totally responsible for whatever truth recovery mechanism is put in place because there will inevitably be allegations of a lack of independence. That is an argument for allowing an international element to be involved in the truth recovery mechanism, drawing on the examples of other countries and on the international human rights and humanitarian law experts. Some work in that field has been going on recently in the United Nations and we would urge the Committee to draw upon that.

Professor Hadden: There is an additional point there that if you are minded to go down the route of some form of amnesty or discharge, only the state can grant that, an independent, voluntary process cannot offer that kind of trade-off to those who have committed violations and who may be prepared to come forward. If it is an entirely voluntary process, anybody coming forward will then be subject to demands that the evidence they have produced in a voluntary, informal inquiry should then be used to prosecute them, whereas in a state-based process, as in the process review commission and the missing persons and so on, mechanisms have been made legal to allow that to go forward without the risk of prosecution arising from evidence that is produced in relation to missing persons or the disappeared.

Q674 Mr Clark: My apologies for not being here at the start of the witness session; I was thinking about consensus and trying to build a consensus amongst all parties towards an agreement on a way forward. That seems very difficult to do and some witnesses have told us that it is better for us to do cross-community work which builds relationships, rather than to concentrate on truth and reconciliation which risks divisions. How can we build a consensus for a truth and reconciliation process, or should we do what some are suggesting and just concentrate on cross-community work?

Professor Dickson: It is important at this point to go back to the point that my colleague Dr Latif made earlier: reconciliation is different from truth. In our

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eyes it would not be a question of counter-posing truth and reconciliation on the one hand and community action on the other. Reconciliation is a word that connotes a process that is long drawn-out between many players, at different levels; a truth recovery process is more focused and might actually mean different things to different people, and it is usually an individual-focused process rather than a group-focused process. People will differ as to what they need in order to be able to say the truth has been disclosed, and therefore we think your Committee should be imaginative in the different mechanisms it recommends for the obtaining of truth on the one hand and the obtaining of reconciliation on the other. The community-based work that you referred to is, in our view, more appropriate to the reconciliation process than to the truth process, but not exclusively. There have been some good, community-based efforts to get at the truth of what happened, but because not all the players have participated in those processes it is difficult to characterise them as totally objective and accurate, but that does not say that they should not happen at all.

Professor Hadden: If you think of what happened a couple of weeks ago with the Guildford and Woolwich cases, the idea that an acknowledgement by the state that things went seriously wrong was a help to those families, so I think you should not dismiss the notion that acknowledgement is an important part in the process of reconciliation moving on from past violations of it.

Q675 Mr Clark: We are also aware that our inquiry to date has been limited to talking to victims and victims groups in the hope that we can at least get a feeling, before the general election, as to the value any such process would have. Post the general election we shall still be looking at the subject; who should we talk to next?

Dr Latif: You may also want to speak to the experts that have already been involved in truth and reconciliation commissions in other jurisdictions, but with the warning that pre-fixed solutions for Northern Ireland or for any jurisdiction are not going to work. There is a need to learn but there is a need to apply those in a way that fits into the context of Northern Ireland.

Professor Dickson: I think as well you should speak to the Police Ombudsman to see what criteria she uses when deciding whether to look at old cases. You should ask the Chief Constable how exactly the serious crime review team is operating and whether it has enough resources. You should look at what the Director of Public Prosecutions has done in relation to the so-called on-the-run cases that Professor Hadden mentioned; we are not entirely satisfied that the process he used for looking at those cases was an equitable one.

Q676 Chairman: In what way?

Professor Dickson: As far as we understand it he was asked to look only at republican cases, and at quite a high number of republican cases, and at no other cases where the state was involved or where loyalist paramilitaries were alleged to be involved.

Q677 Chairman: Are you saying that there are people where the state were involved who are on the run?

Professor Dickson: There are people in those categories who have not been brought to justice; bearing in mind that the category "on-the-run" includes people who have not yet been prosecuted but who are not within the jurisdiction.

Q678 Chairman: Are there any state players who come into that category? I would be very surprised.

Professor Dickson: That is a matter for debate.

Q679 Chairman: You think there are?

Professor Dickson: It is possible.

Q680 Chairman: Are you aware of any?

Professor Hadden: I think in relation to some of the television programmes that have been produced, ex-RUC officers have been interviewed in foreign jurisdictions. I am not sure how many there are, but I think there are some people who, for one reason or another, have moved out of the jurisdiction.

Chairman: Really? I did not know that.

Mr Clark: Thank you, Chairman.

Chairman: Thank you all, very much indeed. Your work for your Commission comes to an end today, Professor Dickson, and I hope that it all continues seamlessly when you take up your duties again. We are very grateful to you for the help you have given us. The Committee is adjourned.

Monday 28 February 2005

Afternoon

Members present:

Mr Michael Mates, in the Chair

Mr Roy Beggs
Mr Gregory Campbell
Mr Tony Clarke

The Reverend Martin Smyth
Mr Bill Tynan

Memoranda submitted by Omagh Support and Self Help Group

I am writing in my capacity as Project Co-ordinator on behalf of Omagh Support and Self Help Group (Omagh Bomb Victims Group).

In response to your Press Notice detailing your decision to embark upon an inquiry investigating possible ways of dealing with Northern Ireland's troubled past, Omagh Support and Self Help Group have a number of areas of concerns.

The primary concern relates to the cost of retrieving the truth, ie granting terrorists immunity from conviction if they come forward and tell the truth. Omagh Support and Self Help Group Members feel that this approach to truth recovery would simply facilitate terrorists in easing their conscious, and would only serve victims in a detrimental manner through opening wounds.

The group also feel very sceptical as to the extent to which such a process will incorporate actual consultation with victims.

Finally, concerns were expressed by the Group regarding the adoption of other jurisdiction's models of dealing with conflict. Northern Ireland is totally unique and therefore must have, if any, an individual model of dealing with the past 30 years.

2 December 2004

Supplementary Memorandum submitted by The Omagh Support and Self Help Group

The Omagh bomb happened at a time when we were all looking to the future. Many families thanked God that they had survived the thirty years of the troubles and were untouched by terrorism. That illusion was to shatter for many hundreds of innocent people on that sunny Saturday afternoon. From that day many of us have made it part of our lives and our reason for living. The most important thing is to get the truth and establish the facts. We were never left in any doubt as to who was responsible for this wicked and evil act! It was the so-called real IRA. They proudly announced that an active service unit from their group had parked the explosive-laden car in Market Street, Omagh. Without proper warning they returned over the border to safety before it exploded with horrific consequences. The innocent men women and children of Omagh, Buncrana and Madrid were left to pick up the pieces. There still remains many unanswered questions about how much intelligence was available and how it was used by both authorities. It has now emerged that the Irish government was in secret talks with the RIRA at the highest level. The RUC murder investigation team's failure as identified by the McVicar review and the damning report by the police ombudsman. The garda investigation south of the border also failed to charge one single person with murder at Omagh, despite a confession by the person who stole the car in Carrickmacross used in the Omagh bombing. He was not even charged with car theft considering he was the person who provided the murder weapon used at Omagh. It has also emerged that the garda had well-placed informants close to and at the top of the RIRA leadership. The bomb attack was launched from the republic and the bomb team spent less than forty minutes in Northern Ireland. The Irish government has repeatedly failed to assist the PSNI investigation team in Omagh with DNA profiles which they have repeated requested. This matter was raised with the Irish justice minister Michael McDowell by the Omagh relatives and the leader of the opposition Enda Kenny. The garda have also refused access to the PSNI to interview an informed witness called Paddy Dixon. He is on a witness protection program run by the Irish government. The PSNI investigation team north believe this man could be a crucial witness but he is not being made available. After several formal requests the SIO is still waiting to interview him. The ombudsman's office investigated allegations by detective sergeant John White's claims about having vital information regarding the RIRA and the Omagh bomb. The ombudsman's office carried out a thorough investigation and believed these claims to have substance. Nuala O'Connell personally delivered her finding to the Irish foreign affairs minister Brian Cowan. The Irish government appointed three senior retired civil servants to carry out the enquiry. None of these three individuals had any investigative skills. One was a former DPP and may have made decisions about

Omagh. This was known as the Nally enquiry. It was selective in the witness that they selected for interview. Paddy Dixon was not interviewed by this team despite the fact that he was the central figure in this case. John White's telephone records were not examined even though he gave permission for them to be acquired. Norman Baxter (SIO, Omagh) was not interviewed or other potential witnesses who made themselves available. This report completely exonerated the garda of all blame. The report was considered not to be independent and had no judicial powers or powers of investigation and the report was not published.

We have experienced nothing but failure and excuses. We were promised both publicly and privately that those responsible would be brought before the courts yet nothing is further from the truth. In this file you will see monumental failures of intelligence, investigative and administrative mishandling which undoubtedly minimised the chances of a successful prosecution of those responsible for the worst atrocity of the troubles.

When people ask why do we require an enquiry into the Omagh bombing the answer is:

- to establish the facts and the circumstances surrounding the Omagh bombing;
- to review and revise standards and procedures;
- to improve security readiness and crisis management;
- to access the efficiency and effectiveness of intelligence surrounding Omagh;
- to determine the adequacy of co-ordination of intelligence and anti-terrorism counter measures amongst Northern Ireland's security services, Republic of Ireland security and business organisations generally;
- to access issues of personal accountability for security; and
- to provide recommendations on how to prevent new attacks or minimise the damage of successful attacks.

We must make sure that the lessons of Omagh are learnt, so that mistakes can never happen and what is done well is passed on so that others can learn from our tragedy. Never has so much been known about an atrocity and yet so little done to stop it or catch those responsible. Surely that's the least we owe to the 31 innocent people who lost their lives in such a cruel way.

On 18 January 2005 John White was acquitted of six charges in Letterkenny courthouse in Co Donegal.

On 21 January 2005 Colm Murphy successfully appealed his conviction for conspiracy in the Omagh bombing and is now free.

Please support a full cross-border inquiry for Omagh.

Memorandum submitted by Families Acting for Innocent Relatives

It is with deep regret and disgust that we as a victims group have to write a letter like this.

While we have visited a number of countries to see how they deal with their victims of terrorism and have found that they are treated like Royalty compared to the innocent victims of terrorism in Northern Ireland.

Because of the recent approach by Government funders FAIR and at least 14 other victim groups have taken a step backwards in relation to cross community activities. When victims step back so does their community.

We had been attending events, which perpetrators were also attending and our members have started to allow their children to go on cross community events in which children of perpetrators also attended, a big step forward for our members. Unfortunately this does not seem good enough for funders and policy makers and especially Government.

The genuine victims want to move on and have started to move on but they are not prepared to pay lip service and tell lies so that it fits into the policy of someone sitting in an office that has not had to hold a loved one in their arms when dying or lift body parts of friends from the roads and fields of South Armagh.

Organisations like FAIR continue to grow irrespective of funding, people look towards us as a beacon as to what is going on.

We know there is people out there who are prepared to pay lip service and tell lies so that the Government hear what they want to hear.

Speaking on behalf of genuine victims all we want is recognition to what took place, equality and justice.

Be under no illusion that if we can stand against terrorism for over 30 years and we continue to do so, we will take our stand against policy makers and the funders who are supposed to help us instead of hindering us.

We would also be very interested if someone could explain to us why so much money was put into republican/nationalist groups in South Armagh when the true victims have got very little.

It is better to work together than against each other, but it is groups like ourselves who know best what is needed for the true victims of terrorism and with or without your funding we will continue along the path that we feel helps the victims best.

All we want is equality.

12 January 2005

Supplementary Memorandum submitted by Families Acting for Innocent Relatives

INTRODUCTION

Victims in Northern Ireland are very much a product of the past, and anyone who is genuine in their commitment to deal with the past must firstly deal with victims. They must be given primacy in any initiative which is developed. Sadly to date this has not been the case as even the past in Northern Ireland has been politicised. It has always been said of Northern Ireland that we live in the past and it is indeed close and impacts on all aspects of our lives. Many victims are trapped not by choice but by birth in a centuries old conflict, which predates and will doubtless outlive the present political deal making. The past has shaped both perpetrator and victims alike, and the only comfort many draw is that we can all learn from the past.

Our aim as a group is to support victims and help them move forward and to enjoy equal citizenship and rights, free from the fear of political violence. Therefore we are keenly interested in creating a positive future for all, free from violence and offering hope for our children. In order to do this we have an obligation to deal with the past. This is a topic which has never been fully opened in the province as it has a Pandora's Box risk attached. It has the potential to retraumatise victims, to raise then dash hopes, to create new victims and to add to rather than detract from the causes of conflict.

METHODOLOGY

Therefore, while we welcome the current initiatives by government we must urge caution. There are over thirty years of violence contended past to deal with and we as a group have had little over thirty days to gather our thoughts to respond to you. Therefore our first statement must be we need more time, if you value this work, and wish to truly contribute to a solution rather than cause another problem people must be given time. We ask that your current time scale be addressed now or else groups who must be included will not have an opportunity to respond. This could be best done by asking the Victims Unit to support in terms of funding and resources a process that would facilitate groups to respond to these issues.

As a voluntary group comprised of victims we must canvass the opinion of a membership which comprised over a thousand people. We are based in a rural area and the logistical difficulties of such a task at this time of year ought to be apparent. Whilst we are aware that you wish to have this process completed before Parliament breaks for the elections and we would ask that if you make a report now that it be made clear that is the reason and that it include a statement of intent to revisit the issue.

Secondly, we wish to raise the issue of how submissions are received in the process. When you open up debate and receive a range of opinions there must be a method of weighting submissions. For example an individual who has had no experience of conflict or is perhaps too young to remember the past at its worst may respond, others may use the name of a group to respond. How will you rank what they have to say in comparison to a victims group who have lived with and in the midst of the worst of the conflict, a group comprised of hundreds of people—surely their opinion must carry more weight?

In short we require confidence building measures and a realistic time scale. Your process must be transparent and accessible with a procedure for weighting submissions according to relevancy, experience and numerical support. If these guarantees cannot be given then groups such as ourselves will be reluctant to invest time and effort in engaging with the Committee. I trust you accept our points in this regard and we stress that what we have included is our preliminary thoughts. It is a series of documents and opinions which have already been endorsed by our membership and collectively represent our work and policy. As I have said as a group we day and daily deal with the past and try to resolve existing conflict.

To add a degree of clarity to our submission it would be useful to explain that this is a preliminary submission and that there is an ongoing process within our group and victims sector generally to respond to this issue. We have produced a range of documents and position papers many of which can be found on our [web-site www.victims.org.uk](http://www.victims.org.uk).

DEALING WITH THE LIVING LEGACY OF THE PAST

1. *Recognition*

As a self help group comprised of victims we include a little information about ourselves and what we aim to achieve. We see the creation of similar groups as a positive step in addressing the past as they allow people to speak of their experiences for the first time and to share history. They also provide the vehicle for training and the building of confidence capacity and skills to reintegrate victims into society. They also offer the best route to effective genuine cross-community engagement, and the building of a shared future.

We feel that a lasting memorial to the sacrifice and loss must be established. However there are enough cold marble memorials in our countryside and plans to create shared ones are unworkable. Therefore we advocate the idea of a “Living Memorial” Centre, a place dedicated to the memory of victims and a place where their relatives can remember them. But also a place where history can be recorded, archived and presented as a tool to break the cycle of conflict. It is also a safe space for victims to come and feel at home, where they can learn and be re-skilled, where group activities can be housed and a range of services provided. As a group we have already taken the first steps in such a pilot project. Details of our ideas are included.

2. *Redress and Reconciliation*

Victims have certain rights that must be valued and protected, these are well articulated and accepted internationally and form the basis for redress and recognition of victims. This we would argue is the first step in dealing with the past as it necessary to accommodate victims in any process. Their rights have often been violated and as a first step to dealing with these past wrongs a new beginning for victims rights must be established. To that end we include our policy paper on Human Rights and also the text of the “Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.” Annex I

Such international standards need to be applied to help Northern Ireland deal with the past. They must however be adapted along with other human rights frameworks to reflect the fact that the majority of abuses were perpetrated by sub-state organisations. These terrorist groups have never properly been dealt with under the criminal justice system and also slip through the net in terms of the human rights instruments, laws and protections. Laws must be strengthened to protect democracy, the rule of law and judiciary, and to ensure that the past is not repeated.

3. *Practical Support Measures*

The role of victim support groups is vital to the process, they act as an interface with victims giving them a voice and contact with the outside world. They must be the conduit for any initiative to deal with the past.

We also refer you to a policy paper entitled “A Fair Future” which spells out our vision for the future of the victims sector which must be pivotal to any government plans to deal with the past. It outlines our concerns for current provision, and our ideas for the future including proposals for a Victims Commissioner

INITIATIVES TO DEAL WITH THE PAST

Many victims were overcome with a sense of foreboding when the Secretary of State followed his announcement about dealing with the Past with a visit to South Africa. To many it was a signal of his intent to import the failed South African model of a Truth and Reconciliation Commission. The TRC is largely modelled on the Chilean Truth Commission whose raison d’être was to reconcile supporters and opponents of the military dictator, Augusto Pinochet, and underpin the political deal that has since been ridiculed by the international human rights community. The TRC as we will show has not produced the results hoped for in its native setting and is even less likely in Northern Ireland.

Since 1973, more than 20 “truth commissions” have been established around the world, with the majority (15) created between 1974–1994. Some were created by international organizations like the United Nations (UN), a few by nongovernmental organizations (NGOs), and the majority by the national governments of the countries in question. The central failure of all is to balance truth with justice and retain independence without losing popular support.

The Problem of Justice

The central problem with these models is that they trade truth for justice, in a manner which excludes and abuses victims. This is often necessitated by the political agenda of the work, as it was established to give a degree of legitimacy to the current regime. No other concern has dominated discussions of truth commissions, especially from legal scholars, as has the issue of justice. For many, the proper response to the perpetrators of human rights abuses, violence, ethnic cleansing, or genocide, must be criminal proceedings by some sort of tribunal, a court of law (international law, perhaps) duly authorized to render judicial dispositions: to establish justiciable facts of the matter, to render verdicts and, if called for, to punish. But truth commissions (including the more ambitious truth and reconciliation commissions) cannot by their nature deliver this sort of justice. Rather the advocates of such appeasement have created a range of quasi-justice forms and entities, among them “transitional justice,” “restorative justice,” or “retroactive justice,” most of which aim, in the end, to move away from criminal verdicts—retributive justice—and toward “truth-seeking” and reconciliation.

⁹⁰ Minow, Martha (1998). *Between vengeance and forgiveness facing history after genocide and mass violence*. Boston, Beacon Press.

These alternative forms of justice mean that the work of truth commissions falls, in Martha Minow's (1998)⁹⁰ phrase, somewhere in the morally, politically, and emotionally fraught continuum between "vengeance and forgiveness." A great deal of the controversy, not to mention passion, that surrounds the workings and assessment of these commissions by different parties, has to do with the tension existing between the two poles of this continuum. The range of "alternatives" offered to "deal" with the past all fall short of the present accepted method of truth recovery in the United Kingdom namely the Criminal Justice System.

Advocates of the appeasement of those responsible for human rights abuses argue that they must be granted amnesty, their past actions blotted out in order that they be included in the new political arrangements. In short many argue that they must be appeased to ensure peace. However the victims who long for peace and security more than most feel that reconciliation requires justice as well as truth? Here, justice is most often understood as being retributive and vengeful. Ours is not a desire for revenge but a desire for equality and justice. For equality before the law for all and equal protection under it. The kind of justice meted out by a court of law, anywhere in the democratic world, in a criminal trial in which the accused has been found guilty of an offence in accordance with appropriate procedures, and a punishment proportional to the offence has been determined, is what we ask. The pursuit of retributive justice in a transition to democracy is important, not only because of the intrinsic worth of doing justice, but also because the enactment by the courts of the rituals of retributive justice will educate society in the practices of the rule of law that are crucial to the stability of democracy. We ask for equal citizenship and for basic human rights as are enjoyed by all those in a democracy—we ask no more—we will accept no less!

The Problem of Truth

Like so many things in Northern Ireland the truth is contested, with each side jealously defending their version. In recent weeks this has led to a leading member of Sinn Fein, Mitchell McLaughlin stating that the kidnap, murder and subsequent decades of refusal to specify the location of the body of Jean McConville, was not a criminal act. To Sinn Fein/IRA such was the historical justification of their actions that no act of terrorism or human rights abuse could be defined as criminal. They may express regret or remorse but never accept the "truth" that what they have done is wrong criminal and must never be repeated.

In a world in which it is yet possible for many people, in the face of overwhelming evidence of every imaginable sort, still to deny the magnitude, intention, or very existence, of the Holocaust, it is not surprising that the authenticity of more poorly documented human disasters may be made objects of great contention. The leaders of Republican terrorism still deny their own little holocaust and seek now to redraw history to their liking. Any "truth" recovery process which does not make a moral judgement of their human rights abuses followed by sanctions cannot be support by the victims. The issue of the complexity and multiplicity of truth is a central one linking the problematic demands of justice and the hopes for reconciliation. It is also the arena in which the parties' competing versions of history and the politics of memory play themselves out. In Northern Ireland all sides have their own version of the truth of "what really happened".

In reflecting, especially on the South African Commission, several authors like Verwoerd (2000) address the complexity of truth-seeking, and they propose different genres of "truth" to satisfy the different demands made on it, among them: historical truth, moral truth, factual or forensic truth, personal or narrative truth, social or dialogue truth, and healing and restorative truth. Some of these sorts of truth aim to make an ineffaceable inscription on history. "Forensic truth", for example, aspires to uncover overwhelming material evidence—to establish an incontrovertible "facticity"—and present it in so compelling and scientifically irreproachable a way such that "no one can argue that these killings didn't happen".

Some of these truths endeavour to create authoritative and indelible memory. At the South African Truth and Reconciliation Commission, "narrative" or "personal" truths, emerging especially through victims' and perpetrators' public testimony, seek to ensure that individual acts of oppression and oppressed individuals cannot be forgotten. It is, as Henderson (2000) and many others have argued, a kind of insurance against collective amnesia: after the Truth and Reconciliation Commission, no one in South Africa will again be able to say, "I do not know what really happened".

However it is one thing to make public what happened, "to establish the facts", and quite another to establish a society-wide consensus on what they mean. Facts do not necessarily conduce to shared truths. And even if they did, in some objectivist and positivist universe, and although truth is always a good thing, one cannot escape the fact that as the African proverb reminds us, "truth is not always good to say". Without an agreed independent arbiter any process will simply be a method for collecting a range of differing often antagonistic stories, versions of the truth. In short there needs to be an arbitration, between truths, in short judgement has to be exercised and the outcome binding on the participants. At present the only process which satisfies these criteria is the criminal justice system.

⁹⁰ Minow, Martha (1998). *Between vengeance and forgiveness facing history after genocide and mass violence*. Boston, Beacon Press.

It exists to apply agreed rules to an issue, it is empowered to compel parties to present their version of events, their “truth” it then draws on other evidence to reach a conclusion on what version or combination of versions constitute an agreed “truth” and then acts to compensate or sanction the parties involved. This is what we as victims feel is needed in society.

The price of truth

Amnesty, or as it ought legally to be defined impunity is the cost paid for truth. Only the simple minded or most naive believe that the perpetrators of human rights violations, the sub-state terrorist groups who were unaccountable for their actions will simply in the interests of peace, stand up and confess what they have done. The perfect example exists in Northern Ireland where Sinn Fein/IRA have for over three decades, called for the truth about “Bloody Sunday”. The PIRA used the events of that day to justify their existence and some of the worst atrocities they committed, to assist recruitment and fund-raising. They cynically hijacked the memory of those who were killed on that day for political and military ends, calling on the British Government to hold a full public inquiry into what happened—to establish the truth. The multi-million pound Saville Inquiry followed with the lives of soldiers involved being put at risk as they were forced to testify. However, it is most instructional to reflect upon Sinn Fein/IRA’s response when given their long campaigned for opportunity to reach the truth. When it became apparent that they were responsible for the first shots fired on that day; and when they realised that despite their engineering, the truth was not a simple confirmation of their propaganda, they showed their true intent. When called upon to give evidence in what he had called others to do, at an inquiry he had long argued for Martin McGuinness became evasive and forgetful. Indeed he could not even manage to forward the truth at a personal level, claiming he was only second in command of the PIRA on the day he went on to refuse to answer questions. His lies and evasiveness, despite assurance that he would be immune from prosecution, prompted Lord Saville to conclude that

“I understand your answer as being that you feel that your duty of honour overrides the desire of the families for the tribunal to discover the whole truth about Bloody Sunday”.

It has transpired that the only person to refuse to co-operate with the truth recovery process has been a member of the PIRA who was given a jail sentence for contempt of court. This does illustrate the contempt that terrorists will show any process of commission which they do not control, that does not offer them amnesty and which does not legitimise their actions and rewrite history to their satisfaction. In short we cannot trust terrorists to tell the truth, and are not prepared to sacrifice justice to pay for their co-operation. The police if given the resources and supported by the proper political will can ensure that in time these men will be brought before the courts, where the truth of what they have done will be laid bare and their victims.

As has been previously stated victims do not maintain this position in order to exact revenge but rather as this process has been the tried and tested model they are used to. Indeed many became victims as they defended this and other democratic institutions and practices during the troubles. Indeed it is no surprise that Sinn Fein/IRA is so outspoken in its opposition to these ideas as they have busied themselves for the past thirty years in a murderous onslaught against police, judiciary, prison service and any other agencies capable of bringing the light of truth to shine on their terrorist activities.

Victims defended these institutions because they represent the rule of law and justice the cornerstones of democracy. Justice plays a vital role in any democratic society, as it gives:

1. RECOGNITION

For a victim to get his or her day in court is a liberating experience, it brings closure and healing to a life torn apart. It gives the victim the recognition that they have been wronged, not just by the perpetrator but by society as a whole by the state who should have protected them. Those who are guilty of commission are joined by those guilty of omission as an independent arbiter looks at the matter. All sides submit themselves to the decision of the court. The victims gets a chance to tell their story in a place where it is valued and valuable, not as part of some weak and watered down initiative but in an empowering environment. It is for the most noble of ends, to ensure justice is done.

2. RECOMPENSE

The process will also restore some of what the victim has lost in terms of dignity, security and resources. While victims are never in search of compensation they are entitled to financial and other restorative measures. This again is more meaningful if given as a result of such proceeding as opposed to “benefit-like handouts” from government. It offers individual assistance to address often individual needs

3. REDRESS

This refers to the outcomes that not only benefit the victims but the rest of society, for example changes in the law to ensure that the crime is not easily repeated or the circumstances are not replicated. It offers to restore the balance in society in favour of the ordinary law abiding citizen. The state uses its resources including force to protect its citizens and to call often powerful criminals to account. This redresses the imbalance within society and ensures that criminality like terrorism does not take root.

4. RE-EDUCATION

The creation of case law is the most obvious example of this but at a community level the full and fair application of justice and the process it employs is instructional. It allows victims to tell their story and reveals the facts of the issue publicly. It shows society in the words of the old adage that crime does not pay and it forces not just the perpetrator but everyone to take responsibility for what has happened to the victim. In Northern Ireland the ability to hold an individual or group to account for a crime particularly a scheduled or sectarian offence aids community relations. Rather than the victims or community blaming the entire “other” community they have a clear perpetrator to focus any natural and justifiable feelings towards.

5. PREVENTS REPETITION

For the victim this is perhaps the most important outcome, as it provides a restoration of security and normality. Often victims are witnesses who risk a lot to participate in the judicial process, sanctions must be applied to perpetrators to ensure their protection and future involvement of victims in the process. By placing sanctions on offences the state is upholding its obligations (under Article 2 of the European Convention on Human Rights) to protect the lives of its citizens. In short sanctions act as a deterrent to those who would consider committing similar offences. Thereby victims and the wider community live in greater security and safety, and are more able to deal with the past personally and as a community if they feel the past is indeed in the past. Anyone who continues to live in fear of a repetition of the past will never be able to cope—this is the situation in South Armagh.

If these sanctions are removed such as we have seen in Northern Ireland the whole justice process breaks down. Sadly the political process has produced just such an erosion of justice with:

- the acceptance of special status for “politically” motivated terrorist crimes;
- the negotiation of the release of all who were imprisoned for such scheduled offences;
- a weak form of release under license which has rarely been used despite perpetual reoffence;
- a refusal to blame and prosecute terrorists involved in the political process, with one Secretary of State even referring to internal feud killings as “house-keeping matter”;
- the destruction of the investigative capacity of the RUC under the Patton reforms;
- the decision in 2002 not to pursue outstanding extradition warrants for wanted terrorists;
- the reform of the criminal justice system which removes its ability to insulate itself from attack or influence by terrorism;
- a soft approach to “ordinary” crime perpetrated by terrorist groups involved in the political process;
- the policy of the present Chief Constable to ignore the issue of the hundreds of unsolved murders committed during the Troubles
- the Joint Declaration proposals to grant amnesty to “On the Runs” wanted or even convicted of serious terrorist crimes in Northern Ireland.

These and the countless other examples of appeasement to terrorism has led to the erosion of not only democracy but the rule of law and the equitable application of justice in Northern Ireland. These concessions to terrorists have only served to exclude and alienate victims and have created a dangerous precedent for the rest of the United Kingdom. They have made dealing with the past more difficult and have even politicised the issue as it is clear now that without justice even an agreed record of the past will be contested. As victims we must argue that justice and our rights cannot be traded for truth much less an agreed truth used as a shared history or founding myth of a new political dispensation.

AN ANALYSIS OF THE SOUTH AFRICAN TRUTH AND RECONCILIATION COMMISSION— ITS FAILINGS AND INCOMPATIBILITY WITH N. IRELAND

Whilst a TRC may look like the perfect solution for Northern Ireland, or the perfect cover for the Government as they grant amnesty to terrorists it is like so many objects of desire—not as flawless when examined closely. However close examination has never been allowed, the TRC and its work has been regarded by many as almost “relic like” possessed of some magical power to heal all the wrongs of a nations past. To criticise it is akin to heresy, with the critic tied to the stake along with other rejectionists of the new South African dawn.

However, in recent years the heresy has spread beyond the confines of the reactionary Afrikaner community into more mainstream popular and academic circles. As the more enlightened amongst us scratch beneath the surface of South Africa all is not well, like former Rhodesia the new shining political dispensation has begun to tarnish. Still the veneer holds, covering a multitude of ugly sins, such as the hundreds of white farmers who continue to be murdered, or the soaring crime rates, and the almost institutionalised abuse of human rights.

Whilst many apologists point to these as a legacy of the past, more discerning minds have begun to question if many of the present problems cannot be traced back to the transition period and initiatives like the TRC. It held such a central role in the foundation of the state that it has influenced the outlook of the

new South Africa. For example the legitimisation of terrorism in the pursuit of a political agenda is not a good precedent to set in a country where violence is fast becoming a threat to stability. The TRC was sold as a way of achieving a new start of dealing with the past but as one critic the Inkatha MP Abraham Mzizi summed up the suspicions of many he described the TRC as the “Truth Revision Commission”.

In summary the failings of the South African TRC are:

1. LACK OF INDEPENDENCE AND OWNERSHIP

The justifiable response of many from the minority white community to the TRC turned it from an initiative to promote national unity into a politicised witch hunt. The composition of the TRC and its operations tainted it in the eyes of many South Africans, indeed many who originally advocated it soon turned when they saw it in action. It remains a source of contention rather than a source of unity, and has actually pardoned and perpetuated human rights abuses. Such is the ethos of keeping political violence in the past that present human rights violations are ignored as unwelcome reminders that while the TRC lid may be on the pot, it is still seething and boiling beneath.

2. DISGRACE OF AMNESTY

Thousands of human rights abusers and perhaps millions of abuses have been pardoned by the amnesty committees of the TRC. But even in this most sordid and base element of the project there has been discrimination. While it was decided to grant amnesty to 37 ANC leaders, including the then Deputy President Thabo Mbeki, without requiring them to specify the actions for which they were seeking amnesty, as laid down in the TRC founding law, others such as Clive Derby Lewis remain in prison.

3. BIAS AGAINST THE STATE

The 17 TRC commissioners are overwhelmingly “pro-struggle”, meaning dedicated opponents of the previous government. Not a single commissioner can be categorised as a representative of either the National Party or the Inkatha Freedom Party. The only original commissioner with links to Afrikaner nationalism is Chris de Jager. He has since resigned, accusing the TRC of bias.

There is only minimal evidence about the ANC-led people’s war, the murder of South Africans deemed to be “enemies of the people” or the ANC’s use of violence to assert its hegemony over rival political movements in the black community, including various formations of the black consciousness movement and, of course, Inkatha.

Yet while the TRC has investigated the role of the State Security Council (SSC) in developing a counter-insurgency strategy against the ANC-led rebellion in the 1980s, there has been no equivalent investigation into the parallel ANC organisation, the Political Military Council (PMC) which planned the revolutionary war against the minority regime. The TRC has pursued the question of whether the SSC, and the political leaders who served on it, sanctioned the murder of opponents of the old regime. But it has shown far less energy and commitment establishing whether members of the PMC were culpable of atrocities committed in the ANC prison camps in Angola and for the attacks on civilians in South Africa. The absence of vigorous investigation into the ANC’s involvement into alleged criminal activities has made life a lot easier for its political “big shots” (to borrow Mandela’s phrase).

4. POLITICISATION OF THE PROJECT

Suspicions about the TRC’s moral and political preference for the ANC over rival parties are manifest in the findings of a MarkData survey. It shows that a minority of whites, coloureds and Indian believe that the commission is fair and unbiased. While a clear majority of blacks believe that it is fair and unbiased, more than a third do not endorse that view. Of those who think that the TRC prefers one party above its rivals, the ANC is the most frequently named party. Critically for the TRC’s mandate to promote national unity and reconciliation between former adversaries, the proportion of people who think that it will either create hostility (27%) or make little difference (23%) is larger than the proportion who believe it will bring South Africans closer together (40%).

5. RECREATION OF HISTORY

It is clearly seen as a case of the victors rewriting history to exclude or redefine their actions. The situation is compounded by fears that the TRC’s final report will form the basis of a new official history, one which will sanitise or even sanctify the ANC and demonise parties which are associated in any way with the old order. These fears originate in part from an article by TRC commissioner Richard Lyster. Emphasising his concern that the nation should not be left with “a number of contradictory versions of our history” that could serve factional interests, he has identified the TRC’s final task as providing the government with a

“publicly sanctioned history” which “can be taught in our schools”. The premise of his argument is that the TRC represents a wide spread of ideological views. His premise is faulty. The Inkatha MP Abraham Mzizi summed up the suspicions of many when he described the TRC as the “Truth Revision Commission”.

INCOMPATIBILITY WITH NORTHERN IRELAND

Stigmatisation of our Conflict

Often parallels are drawn between South Africa and Northern Ireland which by inference stigmatise the past. We must make the point that ours was in fact a mirror image of the South African experience where instead of a majority being denied their rights and democratic expression by a minority we saw the opposite. Here a violent terrorist minority sought to overturn the democratic wish of the majority and impose their political will through force. In the process they abused the rights of all and murdered with abandon. To equate that to a struggle for liberation and freedom is simply to accept the propaganda of the terrorist.

If our problem was therefore different then it follows that the solution must also be different. Victims of terrorism are insulted when comparisons are drawn because it implies that we were similar to those who created and sustained an apartheid state. In our province the only groups who sought segregation were the terrorists with their No-Go areas and the only repression was the terrorism visited on all communities by them. To equate the actions of a terrorist minority here to a liberation struggle in Africa is an insult to victims and will only serve to prejudice any efforts to deal with the past. Many feel that the TRC offered legitimisation and indeed moral superiority to those who had fought the government. This if applied to our situation victims and those from a pro-state community would not participate.

Inherent Fundamental Flaws in the Model

As has been outlined above the models used internationally each possess fundamental flaws. Indeed it is claimed only Chile, El Salvador and South Africa producing final reports⁹¹. The levels of dissatisfaction and the internal difficulties of previous commissions can only lead one to the conclusion that they have fundamental flaws both at a conceptual and practical level. In the end they have been born out of political negotiation and deal-making, they are by nature compromise solutions.

Differential in Accountability of Actors

Any process which holds various actors to account is naturally biased against the state and those who exercised legitimate authority and force. They were public bodies, with clearly defined command and control structures, with mechanisms for accountability. They were administered and financed publicly and have clear paper trails. Sub-state terrorist groups have no such mechanisms for accountability, they operated outside, often above the law with a tight secretive cellular structure. They exert fear and a residual loyalty in host communities making their activities hard to prove.

In legal terms they are not held accountable in the same way as states for human rights abuses, and yet were often as in Northern Ireland’s case the worst offenders. Therefore they have most to lose from telling the truth unless they are granted amnesty. As it is the state forces are open to challenge and are accountable; their orders, actions and outcomes are matters of public record. Therefore yet again terrorists are at a distinct advantage; they can secure more concessions to tell their story and it more difficult to discern if it is the truth.

Propaganda Potential for Terrorists

In light of the problems articulated thus far, any such process would run the risk of becoming a propaganda victory for the terrorists. They would be able to portray the state as the aggressor, they could lie or evade questions about their role as we have already seen at the Saville Inquiry and would seek to rewrite history to legitimise their violence. They have spent decades selling their terrorism as a just war of liberation, would be well placed to use any truth recovery process as a propaganda process.

They are the masters of spin and would use any opportunity to propagate their message. This would lead to further conflict, as each side sought to ensure their version of the past was portrayed accurately.

Amnesty—The Price of Truth

As has been outlined before the trading of truth for justice with the imposition of amnesties would be unacceptable to victims and would lead to the politicisation of the entire process.

The Past is Not Over

The main problem in Northern Ireland is that the conflict is not over. The people which we represent continue to live in fear with several of our workers currently under death threat. The ongoing conflict means that daily victims and ordinary people in communities across Northern Ireland are forced to live in fear and to dwell in the past. For them they cannot deal with the past they are forced to survive it.

⁹¹ United States Institute of Peace website 2005.

Many of the models of conflict resolution and indeed the ideas for dealing with the past presuppose that all is well and that violence is a thing of the past. This is not the case. Until there is an end to terrorism and its attendant criminality, until there is full decommissioning and the dismantling of terror group structures we cannot speak of the past as if it were over.

No Agreed Constitutional Settlement

Truth Commissions are often a product of constitutional settlements they offer a way of dealing with issues that remain after the future constitutionally has been settled. In South Africa for example there will never be a return to the old days and ways, it is not possible that the majority will ever lose power or that the whites will be in a position to force their will for say the creation of a new apartheid state. However here, such certainty does not exist.

All but the most naive accept that the present deal and its institutions will one day if demographics allow be changed or indeed removed. Indeed at the Core of the Agreement there exists a method and criteria for such a change for the end of the country as it is now known. This may not happen at a speed agreed by all and this along with many other circumstances could lead to instability and the descent to violence. In short we cannot say that the past is behind us and that stability will reign.

Truth is Known

These latter points speak for themselves and are related. Many victims due to the nature of the conflict and the localisation of violence know or at least have strong suspicions about who did what. They knew the people and still see them, there lies many unspoken truths in Ulster. Therefore many conclude that what more can they be told they know why their loved one was killed to them it was sectarian and do not wish to afford the killers a public platform on which to justify their actions.

Its All too Close

We are not South Africa in either geographical or socio-economic terms. The gulf that exists between groups there in those terms meant that they were never likely to know or see their opponents. Here the killers could be neighbours and most certainly were of a similar socio-economic background. Perhaps the segregation of housing lent a little distance to the conflict but not that much. Also in terms of time many feel they are not ready it is too soon, especially as those responsible now sit in government.

Retraumatism or Revenge

Many victims don't want to have the past brought up in such a public and traumatic way. They have worked long and hard to deal with the past and have their own individual coping mechanisms. For others they require the support of groups such as ours to deal with these issues and to cope. Much good work could be undone by a public, forced political truth commission. But in time with the ongoing work of groups such as FAIR people will be able to deal with the past.

THE WAY FORWARD—AN INTERNATIONAL RESPONSE

“Justice and the rule of law: the role of the United Nations,” within the context of the August 2004 Report of the Secretary-General on these issues.

FAIR strongly believes that accountability for atrocities is at the core of laying the foundation for the rule of law and respect for human rights in conflict and post-conflict societies. We have seen time and again how impunity for atrocities committed in the past sends the message that such crimes will be tolerated in the future.

The UN Secretary-General's report affirms the centrality of justice and the rule of law in promoting immediate and long-term peace in post-conflict societies, and identifies the importance of prosecutions for serious crimes. Human Rights Watch believes that perpetrators of genocide, war crimes, and crimes against humanity must be prosecuted to advance the cause of justice and the rule of law by ensuring that justice is done. Where national courts are unable or unwilling to try these cases, this requires the political will of Security Council members supported by the provision of adequate human and financial resources.

We would like to highlight several of the most important of the Secretary-General's recommendations related to Security Council mandates and resolutions on accountability for past atrocities. Human Rights Watch believes that consistent implementation of these concrete recommendations when the Security Council responds to a new conflict or post-conflict situation would make a vital contribution to strengthening the international communities response on justice and the rule of law.

The words of the United Nations on this matter mirror our own sentiments so closely that we have reproduced them here:

“The Security Council recalls the important statement made by the Secretary General to the 59th session of the United Nations General Assembly on 21 September 2004 and endorses his view that ‘It is by reintroducing the rule of law and confidence in its impartial application that we can hope to resuscitate societies shattered by conflict’. The Council stresses the importance and urgency of the restoration of justice and the rule of law in post-conflict societies, not only to come to terms with past abuses, but also to promote national reconciliation and to help prevent a return to conflict in the future.”

First, the Secretary-General recommends that Security Council resolutions and mandates should “give priority attention to . . . explicitly mandating support for the rule of law and for transitional justice, particularly where United Nations support for judicial and prosecutorial processes is required.”

While justice for atrocities should be rendered by national courts whenever possible, all too often, they simply do not have the ability or willingness to try these types of cases in conflict and post-conflict situations, as victims of terrorism in Northern Ireland we have been forced to watch as the perpetrators of some of the most heinous crimes and human rights abuses have been freed from prison, the police force has been rendered ineffective in fighting terrorism and presently the UK government has undertaken to introduce a form of amnesty for terrorists still wanted for their crimes.

As victims who have suffered as a result of their service in the armed forces and police we value traditional British processes of policing, justice and democracy. Therefore we endorse an approach that keeps Northern Ireland in line with the rest of the United Kingdom, whilst taking into account the particular circumstances of our situation and provides additional protections against terrorism. If this cannot be achieved in a domestic framework then we advocate international intervention. International tribunals are by nature imperfect remedies and should be pursued only as a last resort. However, as the Secretary-General observes, the international community plays a crucial role in ensuring accountability when the alternative would be impunity. For example we have observed in a report released recently, for example, how the failure to address impunity in Afghanistan is threatening the likelihood of free and fair elections.

- Even with their limitations, the ad hoc international tribunals and hybrid tribunals have had historic achievements by avoiding a massive justice deficit—for example, holding those with greatest responsibility for massacres in Srebrenica and the masterminds of the Rwandan genocide accountable—and establishing rich jurisprudence on international criminal law. They have also improved operations over time, demonstrating the possibility to learn from experience to improve future accountability efforts.
- At the same time, there is no substitute for a strong national judiciary, free from direct political interference. FAIR believes that the complementary relationship between the International Criminal Court and national courts should be utilized to enhance the capacities of national justice systems. This will ensure that victims rights and the due process of law are not curtailed in the interests of domestic peace deals.

A second key recommendation is that Security Council resolutions and mandates should ensure that United Nations-sponsored tribunals should include at least partial funding through assessed contributions.

- Research on the Special Court for Sierra Leone shows that funding a tribunal through voluntary contributions is extremely problematic. In Northern Ireland victims have similar practical problems when accessing justice, with one group representing the Omagh families being forced to make a one million pound appeal to the general public to fund a civil action.

A third essential recommendation is that Security Council resolutions and mandates should insist upon full governmental cooperation with international and mixed tribunals, including in the surrender of accused persons.

- We welcome Security Council resolutions calling on member states to fulfill their legal obligations to cooperate with the ad hoc tribunals by bringing indictees to them, and urge the Security Council to back up these calls with concrete measures that will provide repercussions for failure to cooperate. This matter has come into focus recently with the case of the three PIRA terrorists convicted in Columbia, who have gone on the run. Fears they may flee to the Republic of Ireland who will undoubtedly refuse to extradite them highlight the problems facing victims who rely on justice to serve them.

A final area of key concern for the Council raised by the Secretary-General is its particular role in relation to the International Criminal Court, because it is empowered to refer situations to the court, including situations in countries that are not ICC states parties. Where national courts cannot or will not address serious crimes, FAIR firmly believes that the Security Council has a responsibility to utilize this authority to ensure accountability.

We urge you to incorporate the observations, conclusions, and recommendations of the Secretary-General and to seize this opportunity to strengthen the UN role in promoting justice and the rule of law in its response to conflict and post-conflict situations. The eyes of the world are indeed on the UK at this time.

We have faced a terrorist war for over thirty years, a war that was brought to the very gates of Downing Street and to the very Palace of Westminster. Now we must unite to deal with the past and to ensure the survival of democracy, the rule of law and justice as equal rights for all the people of the UK.

It is a task that has been embraced at International and European level and many now look to the UK as a leader. In dealing with the past the Government must set its primary goal as ending the repetition of the past, ending the ongoing terrorism and ensuring that it will never be repeated. To do this they must resource and support the rule of law and must end the political interference and sacrifice of justice for the sake of so-called “peace”.

CONCLUSION

Whilst truth is necessary to deal with the past and to aid reconciliation by bringing closure for victims, it must be borne in mind that in terms of the past there exists in the United Kingdom a truth recovery process. It has been tried and tested and has evolved through centuries of experience and has afforded society a means by which to learn of the past, to recognise that victims have been wronged, to apply independent arbitration to differing accounts of the past and to arrive at a conclusion as to the accepted truth of historical events. The process provides redress and reparation for victims and allows for the impartial enforcement of sanctions on those who have broken society’s rules of conduct. It is a process that can prevent the repeat of the past, draw lessons from it and to make changes to the way society deals with it. It gives security to society by removing the perpetrators and working to rectify the situation that led to their actions. The sanctions applied to them and their actions sends out a clear message to all that such acts as have been committed in the past will not be accepted in the future. In short we have the British Criminal Justice System, it has recently been reviewed and there appears to be new and complete political acceptance of it. It offers the best way of dealing with the past.

Others may advocate a truth commission or truth and reconciliation commission along the lines of a number of international models. Others may argue for local community based restorative justice methods as a way of dealing with the issues. However, as victims who have given much to defend democracy against terrorism and have served in the police force upholding the rule of law and justice we must state clearly that anything short of a truth recovery process as outlined above and in line with the rest of the UK would be unacceptable. There are a range of arguments against each of the above and if given more time we would like the opportunity of speaking with the Committee to outline our particular and more general and academic arguments against both truth and reconciliation commissions or community based restorative justice methods.

The international community has seen the need to deal with the past by ensuring the application of the rule of law and ensuring justice now we urge the government to do like wise.

DECLARATION OF BASIC PRINCIPLES OF JUSTICE FOR VICTIMS OF CRIME AND ABUSE OF POWER

A. *Victims of crime*

1. “Victims” means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power.

2. A person may be considered a victim, under this Declaration, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. The term “victim” also includes, where appropriate, the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimisation.

3. The provisions contained herein shall be applicable to all, without distinction of any kind, such as race, colour, sex, age, language, religion, nationality, political or other opinion, cultural beliefs or practices, property, birth or family status, ethnic or social origin, and disability.

Access to justice and fair treatment

4. Victims should be treated with compassion and respect for their dignity. They are entitled to access to the mechanisms of justice and to prompt redress, as provided for by national legislation, for the harm that they have suffered.

5. Judicial and administrative mechanisms should be established and strengthened where necessary to enable victims to obtain redress through formal or informal procedures that are expeditious, fair, inexpensive and accessible. Victims should be informed of their rights in seeking redress through such mechanisms.

6. The responsiveness of judicial and administrative processes to the needs of victims should be facilitated by:

- (a) Informing victims of their role and the scope, timing and progress of the proceedings and of the disposition of their cases, especially where serious crimes are involved and where they have requested such information;
- (b) Allowing the views and concerns of victims to be presented and considered at appropriate stages of the proceedings where their personal interests are affected, without prejudice to the accused and consistent with the relevant national criminal justice system;
- (c) Providing proper assistance to victims throughout the legal process;
- (d) Taking measures to minimise inconvenience to victims, protect their privacy, when necessary, and ensure their safety, as well as that of their families and witnesses on their behalf from intimidation and retaliation;
- (e) Avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting awards to victims.

7. Informal mechanisms for the resolution of disputes, including mediation, arbitration and customary justice or indigenous practices, should be utilised where appropriate to facilitate conciliation and redress for victims.

Restitution

8. Offenders or third parties responsible for their behaviour should, where appropriate, make fair restitution to victims, their families or dependants. Such restitution should include the return of property or payment for the harm or loss suffered, reimbursement of expenses incurred as a result of the victimisation, the provision of services and the restoration of rights.

9. Governments should review their practices, regulations and laws to consider restitution as an available sentencing option in criminal cases, in addition to other criminal sanctions.

10. In cases of substantial harm to the environment, restitution, if ordered, should include, as far as possible, restoration of the environment, reconstruction of the infrastructure, replacement of community facilities and reimbursement of the expenses of relocation, whenever such harm results in the dislocation of a community.

11. Where public officials or other agents acting in an official or quasi-official capacity have violated national criminal laws, the victims should receive restitution from the State whose officials or agents were responsible for the harm inflicted. In cases where the Government under whose authority the victimizing act or omission occurred is no longer in existence, the State or Government successor in title should provide restitution to the victims.

Compensation

12. When compensation is not fully available from the offender or other sources, States should endeavour to provide financial compensation to:

- (a) Victims who have sustained significant bodily injury or impairment of physical or mental health as a result of serious crimes;
- (b) The family, in particular dependants of persons who have died or become physically or mentally incapacitated as a result of such victimisation.

13. The establishment, strengthening and expansion of national funds for compensation to victims should be encouraged. Where appropriate, other funds may also be established for this purpose, including in those cases where the State of which the victim is a national is not in a position to compensate the victim for the harm.

Assistance

14. Victims should receive the necessary material, medical, psychological and social assistance through governmental, voluntary, community-based and indigenous means.

15. Victims should be informed of the availability of health and social services and other relevant assistance and be readily afforded access to them.

16. Police, justice, health, social service and other personnel concerned should receive training to sensitise them to the needs of victims, and guidelines to ensure proper and prompt aid.

17. In providing services and assistance to victims, attention should be given to those who have special needs because of the nature of the harm inflicted or because of factors such as those mentioned in paragraph 3 above.

January 2005

Witnesses: **Mr Michael Gallagher**, Chairman, Omagh Support and Self Help Group, **Mr William Jameson**, [Assistant Treasurer] Omagh Support and Self Help Group, **Mr William Frazer**, Director, Families Acting for Innocent Relatives and **Mr William Wilkinson**, Families Acting for Innocent Relatives, examined.

Q681 Chairman: Gentlemen, thank you for coming to help us with this inquiry because, as you know, we are struggling to find a way forward, to put the past behind us, what sort of means might best be used to achieve that. We know where you come from and perhaps you would like to tell us first of all what the purpose of your work is as briefly as possible—we know how it started—and what really the purpose of your work is for the victims of the conflict.

Mr Gallagher: We now have Mr Frazer.

Mr Frazer: Sorry if I am late.

Q682 Chairman: Not at all, I gather you have come rather a long way.

Mr Frazer: Yes, I just landed this morning.

Q683 Chairman: You are very welcome. Mr Gallagher, Mr Jameson, just tell us a little bit about your work with the victims?

Mr Gallagher: The group we represent was formed really within two months of the Omagh bomb; it was the Omagh bomb families that got together themselves because we felt that there was not the support that we needed, and I am not so sure at the end of the day at that time that any support could have helped us, but we just felt that we got support from each other. The group was formed and it consisted of a wide variety of people coming from different religious and political backgrounds, and when we had meetings we did not ask anyone to leave their politics or religion outside the door and it did not become an issue. The key thing that united us was the fact that we all wanted justice and the group went on to continue to support each other—that was the primary function of the group—and then at a later date there came issues that we had to deal with, issues arising out of the Omagh Fund, how the Fund was distributing and handling the charity that was sent to Omagh, there were many questions around that, and events that were happening in the aftermath of Omagh, the generosity of people, there seemed to be some confusion on how that was handled. Those were the first issues that we got involved in and how the Omagh District Council and the Sperrin Lakeland Trust were not very much involved in that. We fed back to those agencies and other Government agencies. Then, coming up to the Ombudsman's investigation into the investigation into the Omagh bomb, the justice issue then became more real for the families, but just prior to that we had concerns that there was no convictions and we had pursued the RUC at that time. That was something that we were very much involved in, but the group seems to have evolved around the issue of pursuing those who planted the bomb in Omagh, that was a big part of it, the fact that we had little or no justice three years after the event. We then had what we call the Nuala O'Loan/Ronnie Flanagan affair, but in the interim we were very much focused on the people who planted the bomb in Omagh. We held a vigil outside a pub in west Belfast where they were holding a

fundraiser; we also went to Central London where they had organised a fundraiser with a Cuban solidarity group and a Turkish terrorist group.

Q684 Chairman: Who, the IRA had?

Mr Gallagher: The 32 Counties Sovereign Movement, which was the political wing of the Real IRA.

Q685 Chairman: INLA, yes.

Mr Gallagher: No, Real IRA.

Q686 Chairman: The Real IRA, yes. I am sorry, I do know what I am talking about, I have just got my letters in the wrong order.

Mr Gallagher: There are so many three-letter groups in Northern Ireland. What happened was we pursued those people and we sought the help of government to pursue them, and I must say that that did not always happen. One of the most important things the group has ever done was to put the Real IRA on the American foreign terrorists list; the Irish Government were not keen on that at all, they in fact opposed it, but nevertheless it did happen and that was the first time that an Irish terrorist group had ever been on the American foreign terrorist list. That was one of the first acts of President Bush when he came into power and then again it was renewed, it is renewed every two years, and it was renewed again after it expired. We have quite a difficult job putting pressure on the Governments to pursue terrorists, and some of us—Billy and myself and others—had a meeting with David Blunkett, the Home Secretary, because we had concerns about the 2000 Terrorist Bill. There seems to be a view within the British and Irish Governments—and it is not common anywhere else because I came back yesterday from Bogota and other governments in other countries do not make a distinction between national and international terrorists. Our feeling was why should you be selective because terrorists do co-operate across borders, but there seems to be an attitude here of treating Irish terrorists as different from all the other terrorist organisations, and we pressed the Home Secretary on this. We can only assume that the British Government does not want to offend terrorists by calling them exactly what they are, terrorists, and we have noted now when attacks take place that it is either loyalist paramilitaries or republican paramilitaries or dissidents, the word “terrorist” seems to have been removed from the dictionary that we used too often in Northern Ireland over the past 35 years. That is basically where we are, we have had that struggle with the Irish Government but we overcame it, and the Secretary of State again did not make any changes in the 2000 Terrorist Bill so all the regulations that apply after September 11, a lot of them do not apply to Irish terrorists, and we do not see these terrorists being pursued in the same way.

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Q687 Chairman: Thank you very much. It is a question really of how we start to create discussion about reconciliation. Do you think that should be victim-centred, or does that put too much pressure on those who suffered the most?

Mr Jameson: I would like to respond to that. What is a victim over in Northern Ireland? The problem now is that we have so many victims or so-called victims, people dealing in drugs, gangsters, they are all classed as victims. They are not victims of terrorism, they are victims of their own doing.

Q688 Chairman: I think one can leave drug dealers out of this for the moment.

Mr Jameson: But the government have not, they are giving away millions of pounds from the memorial fund—

Mr Gallagher: That was the fund set up for victims.

Mr Jameson: It has been hijacked now, the Government hijacked it themselves by saying if you are involved as a victim of a drug dealer you can go to the memorial fund and pick up £200 or £300, yet us as victims of terrorism—not troubles, terrorism—we have the same following through as they have. I go back to Mr Bloomfield's report here—it was a joke, I thought. He escaped the real meaning, i.e. we are victims of terrorism, not troubles, terrorism. Probably I am walking way too far here, but under the 1988 Criminal Justice Act if you were not within 25 yards of a bomb going off, you were not entitled to compensation. Because the Omagh bomb happened in 1998 we are in between two stools, we are not classed as victims according to Mr Bloomfield's report, and we want an answer from yourself on this.

Q689 Chairman: It is not for anybody to answer questions now. (A person walks into the hearing). Excuse me, who is this?

Mr Frazer: He is a colleague of mine. He was on the same plane. I am sorry, did you not realise that he was coming?

Chairman: Fine. Let us try and get away, if we can, from the general points to the specific, which is what I think you can help us with. Mr Roy Beggs.

Q690 Mr Beggs: Good afternoon. How far have Government initiatives succeeded in addressing the practical needs of victims?

Mr Frazer: I will respond, if it is open to the floor. The Government basically is only doing the minimum that they think they can get away with, and in reality they are producing these so-called groups who are running an agenda alongside the Government.

Q691 Chairman: Which sort of groups?

Mr Frazer: Like the Trauma Advisory Panel which we have actually withdrawn from because there are more prisoner groups on it now than there are victims groups. These people are supposed to deal with victims; we know some of the things that they have organised—they were bringing people off the street out of community groups and using victims' money to take them away to do different things. The

problem is, victims will not go to these groups because they do not know who they are dealing with. There is a security problem, there is a trust problem, they will not go to them, but the Government has given them money hand over fist to work with victims and they have not got the ability to do it. They are pulling in everybody and anybody to make up numbers; people sit on these trauma advisory groups and there are prisoners groups, there is everybody and their dog except for victims. That has to stop because the Government is talking about 18½ million victims: it is a rotten lie, so it is. I stand over that and I will challenge any Government Minister that wants to sit there and put the figures out. That is in fact, not in Government statistics, where the money has gone. This is where the problem is coming from, they are not dealing with the victims, they are dealing with the perpetrators, anybody that will make up numbers. Trips have been organised in this country, taking 50 people away and they might have five of them who are victims. It is costing £5,000 or £6,000 a time, and there are victims actually out there who cannot get the money that is needed to help them, but it is because these people are saying it is cross-community. The reality is that cross-community is paramilitary and victim, that is what they are moving towards. Cross-community between Catholic and Protestant is not a problem, but it is a problem to be perpetrator and victim, and anywhere you go in the world—as Michael said, we have come back from Colombia, there was no perpetrator at that conference and there were certainly none standing on the platform, so why should I come back to Northern Ireland and be asked to stand on the platform with one in Northern Ireland.

Mr Gallagher: If I could just come back, Mr Chairman, to the question you asked about reconciliation; if you were sitting where I am sitting and people mention reconciliation, what exactly do they mean by that? Do they mean that I should reconcile with the person that assassinated my brother and murdered my son? My colleague, William Jameson, is a Presbyterian, I am a Roman Catholic: we have no problem with each other, but if you are saying reconcile with the perpetrators, that is an entirely different ball-game. That is a personal choice that the victims have to make: some may choose to make that and some may not, but what I have decided to do is work with the victims, but I do agree with what William has said that there seems to be almost a muddying of the waters here, that the victim and the perpetrator are not being reasonable if they do not come together. Many of the conferences we go to here in Northern Ireland, people are saying everybody in Northern Ireland is a victim. People can judge it whatever way they want but, again, this is the second international conference on victims of terrorism that I have been to, last year was the first one in Madrid. I have not seen any perpetrators at those conferences and the word terrorism is used. We have never faced up to it and said these people are terrorists.

Q692 Chairman: I think we have; we called the IRA terrorists.

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Mr Gallagher: But you have stopped calling them, as I pointed out.

Q693 Chairman: Some have. Please give your name and where you are from so we have it on the record.

Mr Wilkinson: My name is William Wilkinson, I work as a researcher for FAIR—Families Acting for Innocent Relatives. I really want to underscore what I have heard before; the difficulty in dealing with the past, even in practical terms, is the idea of who exactly is a victim? I think it is only, as Michael has said, whenever we step outside Northern Ireland that we see a clear picture of exactly, in international terms, the differentiations made. The problem is that in the undue haste that there has been to, I suppose, construct a political deal in Northern Ireland there is an inclusive political model being used. The difficulty is that that cannot be squared with dealing with the past vis a vis victims, in that the politicians, whilst subject to society, may not have the same problems, it is extremely difficult if not impossible at this period in time for victims to be forced together. I suppose the first point that we have always made is that if anybody is genuine in their attempt to deal with Northern Ireland's past, the first thing they must task themselves to do is to actually deal with victims, they are the most obvious, some are bereaved but they are very much the visible and physical product of the past. The first thing I suppose we would underscore to the Committee is that we are very glad you have taken the time to meet victims and their representatives; anybody who is genuine in their attempt to deal with Northern Ireland's past must deal primarily with victims and, sadly, we have seen previously that that perhaps has been an afterthought. We would like, as we see it, the opportunity here for the first time for victims to be placed, as we can see with other governments such as Colombia, Spain, very much in the vanguard of attempts to deal with the past.

Chairman: That is very interesting. We have a lot of questions to get through, I must say. I have asked my colleagues to make their questions brief and I would be very grateful if you would do your best to make your answers brief. Mr Beggs.

Q694 Mr Beggs: Would the creation of a victims ombudsman help to ensure that the needs of victims are heard within government?

Mr Wilkinson: Yes. We as a group—and certainly we have lobbied within other groups in Northern Ireland—would certainly support that idea and, as a model, we have looked to the Children Commissioner for Northern Ireland, and the general rationale for that commission also applies to victims.

Q695 Chairman: You probably have not heard yet—and this may cut the rest of it short—that two days ago the Secretary of State announced that he planned to appoint a victims commissioner.

Mr Frazer: I actually did know, Chairman, that that was supposed to happen but within politics, until you actually hear that it has happened—

Q696 Chairman: It has not happened, I said it is going to happen.

Mr Gallagher: If I could just mention two things briefly here, just on the second question, what views do you have regarding the Government's dealing with the past initiative, the first thing that needs to happen is that there needs to be a proper compensation package for the victims of the past 35 years. The benefit of that would be that we do not need bus trips and go to meetings with cups of tea—I do not really want to be sitting here doing what I am doing. I was never a member of any group before the Omagh bomb and we can deal, believe it or not, with what we have got to deal with, the issues in our lives. I will move on, but until that happens we cannot do that. The memorial fund has already been mentioned, there are millions and there probably will be billions because they have now moved the goalposts to include drug dealers, people who were victims of feuds between paramilitary groups—that is one point I want to make. The other point is that a few weeks ago I had a phone call from a journalist based in London, a French journalist. It has been announced by the European Commission that there is going to be a European day of remembrance for victims of terrorism, and what he says here is “Working on behalf of the European Commission for justice, freedom and security we intend to interview people who have been confronted with acts of terrorism in Europe. Our goal is to inform the European public about the lives of victims and their relatives of terrorism. The film will be proposed to TV channels in Europe in order to accompany the first European day of remembrance for victims of terrorism which will take place on 11 March 2005, one year after the bombings in Madrid.” This film crew came from Toulouse in France; they interviewed people in eight European countries, victims of terrorism. They interviewed myself and a lady whose son died in the Omagh bomb and they interviewed two people in mainland Britain, one was a victim of Lockerbie and I think the other one was a victim of a foreign terrorist act. I also asked them who else they were interviewing and they said they were interviewing senior Government ministers in each country, and they said they had learned that there was a victims minister here in Northern Ireland. They applied to interview her and she refused and she pointed them towards the Home Office, who also refused. These were people who did not fully understand the position in Northern Ireland—they could not understand why Government ministers would not participate in the interviews. This was something that was passed by the European Commission, so that is how Government treats victims, they are almost trying to wipe this out as if it did not happen. I can furnish you with the details of these people who came here and conducted the interview; the interviews will be shown on European television on 11 March, but the Government has not participated.

Q697 Chairman: Thank you for that.

Mr Frazer: The thing about the victims commissioner is, are victims going to be involved in who is actually appointed?

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Q698 Chairman: The Government has to make that appointment.

Mr Frazer: Yes, but will the victims have an input?

Q699 Chairman: I do not know. The Secretary of State will consult, but if you have a strong feeling about it there is nothing to stop you writing to the Secretary of State.

Mr Gallagher: Surely the Secretary of State should consult the views of the victims.

Q700 Chairman: What I am saying is I do not know what the Secretary of State is going to do, but there is nothing to stop you people writing in and giving him your views.

Mr Frazer: Could I just say, Chairman, that this is the problem. We have been doing that since we were formed; if the Government had listened to us at the very start, even though I did not agree with the Agreement—I told Mo Mowlam that if she dealt with the victims there may be a chance of getting away with it; they did not do that, they dealt with the terrorists and they are still dealing with the terrorists, they are not dealing with the victims, and we will not accept it, it is as simple as that. If there is going to be reconciliation it has to be with the victims first, they are the people who paid the price in this conflict.

Chairman: That is why we are here. Mr Beggs.

Q701 Mr Beggs: If we could look at investigations and inquiries for a moment, I will probably get a short answer. Do you agree with Hugh Orde's view that the Bloody Sunday inquiry is "a waste of time and money"?

Mr Gallagher: Could I just say that it was no less than the Prime Minister who approved the Bloody Sunday inquiry.

Q702 Chairman: That does not answer the question. We know the Prime Minister set it up.

Mr Gallagher: It does not answer the question—let me answer the question. We ourselves are calling for a full cross-border public inquiry; it would be wrong of us to deny other people the opportunity to make a case for a similar inquiry, but I think there are a few things that have happened here. Rightly or wrongly, the Government has approved and agreed to Bloody Sunday, and there is a certain opinion out there that they agreed to the Bloody Sunday inquiry and they did not have any problem making it as expensive as they could make it so that that would finish any future inquiries in Northern Ireland. There is another view out there that somebody in Derry took the decision that they would bankrupt the British Treasury, but I think it is excessively expensive. Whether it will achieve what it set out to achieve, personally I think if it does not meet the folklore of the people in Derry, whatever the answer be, it will not be acceptable. Dublin is the European capital of inquiries: they have had some very, very effective inquiries in Dublin and at the end of that process some people have actually went to prison, so inquiries can work but they have got to be controlled, the parameters have to be set at an early

stage so that it is not a freefall spend like they have in Bloody Sunday. But they also had an inquiry in London which lasted, I think, 18 weeks. It looked at some of the most complex issues of security and intelligence and people from no less than the Prime Minister down were witnesses at that inquiry; I did not hear anybody saying that it was too expensive, that it did not work, and that was the inquiry into Dr Kelly's death.

Chairman: We are straying a long way away; if we could just make our answers briefer. I do not want to stop you saying what you have to say, but we are never going to get through otherwise.

Q703 Mr Beggs: How could public inquiries in Northern Ireland be more effective, and maybe others who respond to that question—

Mr Frazer: Could I just make a quick point, if you come from South Armagh you have never seen justice; 94 or 95% of the murders were never solved—or the incidents—so we know a lot about not getting justice. As a matter of fact, a lot of the people who killed our people actually were involved in the Omagh bomb, back in the Seventies, and they were still operating the Omagh bomb. We believe the reason for that is that there was no system set in place so that justice can be at least seen to be done, even though it was not sometimes maybe going to be possible to do it. We all have to be realistic, you need evidence in some cases, but at the very least, especially coming from a Protestant background, we always relied on the state and we were sure that the state would see justice done. That has not happened, the state has betrayed the people who served their country, so we believe there has to be something put in place where never again will that be allowed to happen, but justice will always be an issue and human rights will always be an issue in the community, and we need people in the community who run their own organisations to make sure that it never happens again.

Mr Wilkinson: We must use this because it has been the first inquiry to perhaps draw lessons from, and I think one of the most important lessons that must be drawn from the Saville inquiry with reference to the truth recovery process is the differential that exists between the legitimate forces of the state which can be very easily held to account, as has been shown in the Saville inquiry, and sub-state terrorist organisations which, again as the Bloody Sunday inquiry has shown, are extremely difficult. Their members are extremely reluctant to freely give information and we must learn lessons from the Saville inquiry about any truth recovery process and we must remember that unless these organisations are forced into a position where they can give this information, they will not do it freely. Sinn Féin IRA campaigned for many years for a Bloody Sunday inquiry and then when they are given the opportunity to tell their version of the truth—and they know at the end of the day that that is all that they have really been asked for—they step back. As Lord Saville himself concluded, when he spoke of Martin McGuinness's refusal, he said: "I understand your answer as being that you feel that your duty of

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honour [meaning as a terrorist] overrides the desire of the families for the tribunal to discover the whole truth about Bloody Sunday.” I think that speaks volumes about the terrorists’ commitment to any truth recovery process.

Chairman: Once again, we have got a long, long way away from the question. Mr Bill Tynan.

Q704 Mr Tynan: Thank you, chair. The Belfast (Good Friday) Agreement states that it is essential to acknowledge and address the suffering of victims. How far has the suffering of victims been acknowledged in your view?

Mr Frazer: It has not been. As a victim, as somebody with five out of his family killed and a few injured and other members tried to kidnap, and numerous times friends killed, we have got nothing, I mean nothing. When they blew our home up five times we never claimed money, it is not about money, but from this Good Friday Agreement we are supposed to deal with the victims. Even if they had offered a lump sum of money, at least it would help my mother and maybe some of the family, but we did not have any. What we want to see is something put in place where this will never happen again, that is what we would prefer to happen. There are people who need money, there are women in our group, but everything we have got we have had to fight for; that should not be the case. If it is needed and it is essential, it should be justifiable. That is not the case. Just to give you one quick example—I know you want to keep things short—even a plan for applications for grants to the Government, where we spend a week filling an application for our own group, a group who was only starting up, a deadline of two hours was left to do their application. We done the application in two hours for them; we got turned down and they got theirs. We were told that they filled their form in better and it was us that filled their form in. That is the sort of carry-on that is going on in this country.

Q705 Chairman: Which organisation was that that you filled the form in for?

Mr Jameson: South Down Action for the Bereaved.

Chairman: Thank you.

Q706 Mr Tynan: Obviously you have a very negative outlook as regards what has been done to recognise victims. In your view how could the victims be acknowledged, how would you do that?

Mr Jameson: Your colleague, Mr Chairman, mentioned the Good Friday Agreement; I, like the rest of the 65% of the fools in this country, voted for it. Little did I know that four months down the line I would be going cap in hand to the Government to address my financial problems because of my wife’s severe injuries and my son’s severe injuries. My wife was a college lecturer with 25 years service, she cannot handle observations and is not allowed to work. My son was at the local grammar school, I got no help from nobody. When I applied for compensation I was referred to the 1988 Criminal Justice Act, as I mentioned before; unless you are within a certain radius of the bomb going off you will

not qualify for compensation. I myself was earning £30,000 to £35,000 a year as a financial consultant and had been for the last 20 years, so I was not a fly-by-night or anything. I sent all my accounts up to the Compensation Agency from the Down, I was then referred to the Bloomfield Report, as I mentioned before, “Oh, too late, it’s 1999.” Mo Mowlam sat on my youngster’s bed in the County Hospital in Omagh and she sat there and told me the biggest—I will say it in front of you all here now as colleagues of hers—the biggest bullshit that I have ever heard in my life. She said to me, “You will want for nothing.” Those were her words, yet within six months she was down the road. Mr Blair brought another Secretary of State in, Mr Reid, I went cap in hand to him—I might as well talk to that door out there. Nothing. I have met Mr Murphy not once, twice; all he does is write, write, write and I am thinking of this exercise here today, is this just write, write, write and nothing comes from it? That is my experience with the Government agencies, I got nothing.

Q707 Mr Tynan: My question was what could be done—okay, it could be compensation—to acknowledge the suffering of victims in your mind. That is what I was asking, and you are saying it is purely down to compensation?

Mr Jameson: Proper compensation.

Q708 Mr Tynan: That is what it is down to?

Mr Jameson: Yes.

Mr Wilkinson: We would take the opinion that whilst that is necessary, practical support, we would also look to the issue of recognition. One of the main ways for society to recognise victims, whether they be of terrorism or ordinary victims, is through justice. There has been a problem in Northern Ireland whereby a political process based on the inclusion of the people who created the victims appears to be the dominant concern of successive governments. When you have a process like that, of which the integral principle is the inclusion of those who created the victims, you automatically exclude victims, you automatically demean victims. We think that there needs to be an alternative structure—perhaps a victims commissioner is one way—and there needs to be a guarantee of justice, and hopefully we will touch on this, perhaps, later in the questions.

Chairman: We will not unless the answers are a little shorter. Mr Bill Tynan.

Q709 Mr Tynan: In terms of the situation as far as victims are concerned, what you are saying is that the failure to pay adequate compensation is a major problem.

Mr Gallagher: I would agree with my colleagues that justice—that is the least you expect. We live in a country—

Q710 Mr Tynan: I am going to come on to justice; what I am asking you specifically now is regarding compensation. In your view recognition of the

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trauma that victims have suffered and acknowledgement of their plight, is that down to compensation as far as you are concerned?

Mr Jameson: I cannot speak for the rest of my colleagues here, but that is my main concern. I lost my job over this atrocity but nobody has come back to me and said we will recompense you for it.

Q711 Mr Tynan: The criminal justice system, as it exists at the present time, do you believe that is failing the victims in Northern Ireland?

Mr Jameson: Yes, because all you have to look at is the Hillsborough disaster, and I told this to the Secretary of State. A guy who sat by his TV at home saw the trauma going on in Hillsborough, I saw it too, the football fans. He went to the court and he got his case; when I said this to the Secretary of State he said, "Yes, but here it is the Criminal Justice Act (Northern Ireland)." So the circumstances are different over here, according to the Criminal Justice Act.

Q712 Mr Tynan: Could victims benefit from being involved in the justice system more than they are at the present time?

Mr Gallagher: Very much so, yes.

Q713 Mr Tynan: How could that be done?

Mr Jameson: From their experience.

Mr Wilkinson: One simple example would be in Canada and in certain states in the United States victims have the opportunity before sentencing, for example, to make a victim impact statement. That is a very practical way that victims could be included in the justice process, but we must also bear in mind that there are on-going security concerns in terms of witness protection. Many victims are also witnesses, but the state has failed to protect those witnesses and there is no confidence in the criminal justice system because of prisoner releases; there is no confidence in the criminal justice system because of the difficulty that there has been in bringing the perpetrators to court and because of what has been seen as a hands-off approach to terrorism and certainly the more criminal aspects of it. I think there have to be confidence-building measures specifically targeted to victims in order to balance some of the concessions that have already been built into the political arrangements in Northern Ireland.

Mr Frazer: I would refer back to something we said at the start about having something in place regarding justice and human rights. Compensation is an issue; if people live their life at a certain level they cannot be expected to live far worse because some terrorist put a bomb under their car, or blew them up, or shot them; they cannot be expected, it should not be the case. I think after 9/11 every individual got \$3½ million, so you cannot put a price on people's lives but the security thing means that there needs to be organisations that will take justice issues up with people who are genuine, not a body where I was told you only work nine to half four, if you work after that you are a fool. That is the

problem, people like that in this sort of sector are not genuine, it has to be genuine people that are in the sector who are actually interested in it.

Mr Tynan: Thank you, chair.

Q714 Mr Clarke: Just picking up on that last point, it seems sometimes—and I do not include you gentlemen in this—as if we have created a victim industry. There are a lot of people who represent victims and my question is based around one thing we do allow victims, and that is the opportunity to tell their story. It is almost as if that is all we want, we do not want to pay the compensation, we do not want to give support but we want them to tell their story. Is there not a risk that simply by asking people to continue to tell their story it stops being therapeutic and it starts being damaging, because you cannot move on. What, in your view, is the benefit of story-telling without the ability to move on?

Mr Frazer: The first part of your question about an industry is correct, but it was not created by the victims, it is the people who have come along to make money out of the victims who are getting the money. Those people need to be weeded out and taken out of the sector; they know nothing about victims, common-sense tells how to deal with the victims. The victims are the people who are dealing with the victims. Of course we need professional help in certain instances, but we do not need to bring people from South Africa—there must be a route from South Africa now that you could follow with your eyes closed because there are that many people coming from there. The other part of it, the story-telling, there is a time for story-telling and we have had 30 years of not talking about talking. It is not simply the story-telling, it is about getting the story out and not being stopped in the middle of it by some individual who is supposed to be a professional with victims and trying to tell them that they need to change their story a wee bit because it would help them.

Q715 Mr Clarke: The reason I am asking the question is that it is framed in the context of saying that if we have some sort of process, some sort of commission, it is going to involve a lot of story-telling.

Mr Frazer: Yes.

Q716 Mr Clarke: But why are we doing it, are we doing it simply because we want to hear it or because it is of therapeutic use to individuals? Do we expect people who may not want to go through that process to do that?

Mr Frazer: I think it builds up the sector, it builds up the people within the sector, the opportunity to talk to someone who has been there, the opportunity for somebody to be able to relate to what they are going through then helps them to help somebody else. That is where the benefit comes from; people start helping each other, and that is the main problem. If the Government would give us the resources we

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need, we the victims can move on. The problem is that we are not getting the proper resources. If you start a business you need a certain amount of money.

Q717 Chairman: What do you call the proper resources?

Mr Frazer: The proper resources? For a start-off we want to be able to build an organisation or a sector that is sustainable, because this problem is not going to go away.

Q718 Chairman: You have had over half a million pounds from the Government, have you not?

Mr Frazer: Yes, but we are dealing with some 2,000 odd people.

Q719 Chairman: There is a limit to everybody's funds and you are one of the organisations—and there are nearly 100 victims organisations—you have received a fair slice of money.

Mr Frazer: I could take that list and bring that down to 10 victims groups because they are not working with the victims. I am there at two o'clock in the morning sometimes because some lady who is a widow, living on her own, some boy with a hooter is out in her garden. That is what I call working with victims, whenever they need help they get it, not between nine and half four. £500,000 over a period of a few years, when we pay £20,000 for somebody to go fly-fishing in the Maze Prison—if you compare that, which was given, with the £500,000 given to the victims of South Armagh, if you put it in context I think the laughable part of it is the £20,000 for fishing in the Maze Prison.

Q720 Chairman: I was not seeking to make any sort of comparison, but you were saying you were seriously under-funded.

Mr Frazer: We are, we would need another half a dozen workers, we would need at least 10 workers in our organisation. You have to remember, sir, that we come from one of the worst-affected areas in Northern Ireland and we are still living under a high degree of threat. The army and police do not come down the roads in armoured vehicles, they still fly in and out in helicopters.

Mr Gallagher: If you have got the figures there, Chairman, could you tell me how much our organisation has received in the last almost seven years?

Chairman: The Omagh Bomb Self-Help Group: you have done much less well, you have had £17,000 up until March of last year.

Q721 Mr Clarke: That is my point about it being an industry.

Mr Gallagher: There is no mistake about it, it is an industry, and I am glad that you people are here listening to me today. That money has to go to the victims, and I think a question I have always wished to be in front of you and ask is find out how much consultants have been paid by the Northern Ireland Office, by the First Minister's Office. This whole business about money that has been paid out there, you are not getting value for money, the

British Treasury is not getting value for money in dealing with victims in Northern Ireland. We have done a hell of a lot of work in six years with little or no funding, and I am not even sure if we would have done a lot more work had we had a lot of funding, but my focus again is on a proper compensation package for the victims, and maybe we would not need a lot of this work done. Our members do not want to come in and get cups of tea and go on bus runs, they want to be able to sustain themselves because most of the people who are victims as a result of the Troubles end up on benefits for the rest of their lives. At the moment we have money to provide therapeutic help to them; I would rather that those people had the money themselves and they could choose. If they want to go on holiday they do not need the Northern Ireland Memorial Fund to say you have to go here, you have to go then and whatever, they can choose to go on holiday. If they need money to pay a bill for utilities, they do not need to worry about where that money is coming out of, that is what I mean by a proper compensation package. Just going back to the question of your colleague there about the story-telling, I see the story-telling as a substitute for justice. Could you imagine you sitting in front of the families of Sarah Payne or the two little girls at Soham, or Jill Dando—these are all high profile murders that happened after Omagh. The perpetrators have been through the due process and they are now serving their sentences for these crimes; we have over 2,000 unsolved murders in Northern Ireland yet nobody is saying to these families you can tell your story if you like. I am not so sure that the cold case review is going to work because if you could not convict the people at the time—I know that there have been advances in forensics but I am not so sure that we have got the qualified cold case officers here in Northern Ireland because there has never been that sort of culture. Policing in Northern Ireland has been 25 years behind what it is in the United Kingdom and there is a reason for that, it has been held back because of terrorist activity and we have lost out on it. Particularly within the Protestant community now there is this question of are we helping the terrorists by challenging the fact that we do not have an effective police force? I have challenged that as a Catholic, not because I want to be attacking the police but because I want to make the police more effective, I want there to be a better police system. Those are my views on the story-telling, it may have value for some people but it certainly is not a substitute and I would not like to go down the South African process.

Q722 Mr Clarke: I know there are others that want to come in, but in terms of the time we have got I am going to throw another very quick question in there so that if people are answering they can answer that question at the same time. If we want more justice, if we want more people in court, are we prepared to offer immunity to those who come forward with the truth?

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Mr Gallagher: Absolutely, there is no question about it. If you look at how justice systems have worked throughout the world—and America has proven this with the mafia—you have to give immunity to people who are willing to come forward, that is how you break organisations, that is how you destroy them. You have to recognise that there is a price to pay for that, that is immunity, but I do not mean immunity if someone is going to come into this room as a perpetrator and tell me how they perpetrated the Omagh bomb and then walk out. They have gained a lot from this process and I as a victim have gained very little. If they want to come in here and say these are the 18 other guys that participated in this bombing, those are their names and how they done it, then I would say to the guy that walks out “I am unhappy about letting you walk out of here, but at least I am getting some form of justice.”

Mr Frazer: This is a very important thing with our people because a lot of our people put the uniform on to protect law and order, and we will not give immunity to anybody, because if we do we send a signal to our children that the only way forward is through violence. The fact that my father and my other family members and the people we represent put the uniform on, justice has to be seen to be done. If the Government does not do it, that is their problem, but the people will not take the responsibility of it because I want to be able to look my children in the eye and say it was not me that done so, it was the Government.

Q723 Chairman: That is an interesting alternative view.

Mr Frazer: Yes. If I can go back to the £500,000, if you look at a group in Crossmaglen of prisoners, who had £258,000 in one clout—we were told when we challenged it, because there were very few prisoners ever in South Armagh, that if they were held for seven days they were eligible to be called a prisoner.

Q724 Chairman: Do you know what that group was called?

Mr Wilkinson: We can provide a comparison of funding.

Mr Frazer: If you look at value for money, there is not another organisation—

Q725 Chairman: I am just interested. We have got a Parliamentary answer with all the groups on here and I cannot see one called Crossmaglen and it may be called something else.

Mr Wilkinson: It is in Irish. We can certainly provide a comparative study about the different groups.

Mr Frazer: They change their names pretty often, Chairman.

Q726 Chairman: I am sure they do. Mr Campbell.

Mr Wilkinson: Could I just make one point? I am sorry, I think it does have to be put on the record again that whilst I can understand what Michael has to say, that certainly individuals who are

prepared to give evidence against their former compatriots in organisations may well be afforded certain incentives—and I think there is a precedent certainly for that in the criminal justice system—there has to be a very clear differentiation made in sentencing terms, in terms of a reduced sentence perhaps; the idea of an amnesty traded for the truth, as an organisation—and I am sure I could guarantee the support of the majority of victims groups, victims of terrorism—we would agree with the point that truth can never be traded for amnesty. Truth and justice must not be sacrificed and we must remember the simple rule that justice and the rule of law plays in any society, especially a society that is trying to emerge from conflict. Just a series of points that you will perhaps consider, that to us justice plays a vital role in any democratic society because it gets recognition, firstly, for the victims, recognition that they have been wronged and recognition that the state has failed. Secondly, it can offer some degree of recompense, recompense at an individual level, perhaps through compensation, but also through redress. There is a feeling somewhere that, as a result of this person being made a victim, that can be redressed. Then re-education: in any society people must be educated as to the benefits of the rule of law and adherence to that. Finally, it prevents repetition and guarantees the future safety of people, so we would never be prepared to sacrifice what we see as a traditional British model of truth recovery. We have that in place, it has been honed for Northern Ireland’s particular circumstances through many years of violence and members of the police force and also members of the judiciary have paid the supreme sacrifice to maintain the integrity and the effectiveness of the truth recovery process which operates in Northern Ireland as in the rest of the United Kingdom. It is a right that we would maintain, that we would hold, and that is the criminal justice system. That is what we would put forward as our model. Certainly it has been reformed and it can certainly evolve to meet any future changes, but we believe that since the criminal justice review has been put forward, all participants, even the republican organisations—even Sinn Fein—have bought into this, we can hear no voices of dissent. Surely if everybody has bought into the model for criminal justice review, does this not offer the best way forward for truth recovery in Northern Ireland and dealing with the past?

Mr Gallagher: Could I just query something, in case there is any misunderstanding, Chairman? When I am talking about somebody coming forward and being a witness, I am talking about Crown immunity, which is within the normal court process. People in Britain, who are members of criminal gangs, stand up every day and tell the truth about their role. That is what I am talking about, I am not talking about any form of amnesty.

Chairman: Right, that is clear. Mr Campbell.

Q727 Mr Campbell: Just on the issue of cross-community work—and I know there was a reference to it in answer to a previous question—

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some witnesses have indicated—you will appreciate that the Committee have been speaking to a range of people—that they are concerned or fearful about engaging in cross-community work. When I ask this question I am talking about genuine cross-community work and I was pleased to hear you in an earlier part making it very clear that you would distinguish between perpetrators and victims, because at the outset of the Committee's deliberations we made precisely the same point. So it is genuine cross-community work that I am talking about, not being expected to get in with perpetrators. Have you found that in your experience, have you knowledge of people who are concerned because of security implications or if there are other concerns that they may have regarding cross-community work among victims?

Mr Gallagher: I think it would be wrong to force people into a position where they were uncomfortable because they have been a victim in the past. We would have concerns ourselves about who exactly we are working with, but I think that is a natural concern. People should be encouraged to mix with one another right across the community because there are a lot of good people on both sides. We have no difficulty working across the community, across the border or internationally with anyone as long as they want to support the system of law and order in a country, so that is not a problem.

Mr Wilkinson: Just as a point of information, which I am sure you are amply aware of, often the people who have on-going links with terrorist organisations or their criminal offshoots either front up or are involved in community organisations. I think it was a point that was underscored by the first international monitoring commission report and it is pandemic in Northern Ireland, especially in the urban setting, that organisations that claim to represent their communities are often no more than a front for paramilitary organisations, and several so-called community workers have been returned to prison because of their activities. So we always are very careful and that is the problem, it is a barrier to genuine community work because of the individuals who are involved and who often are the voices of the communities they represent.

Q728 Mr Campbell: If I could ask just one more question, chairman, you know the whole process of an official truth and reconciliation ideology that from time to time gets mentioned—and the Secretary of State has mentioned it as well—do each of you think that now is the right time or will there ever be a right to embark on that sort of issue?

Mr Frazer: Truth and reconciliation will never be acceptable to the victims, because we know the truth. I know every man who was involved in the

murder of my father and my family members, I know every one of them, so what more truth do I need to know?

Mr Jameson: If I was an IRA man and I had done what they have done, and I go out here and tell all these people who are victims here, “Yes, I was a perpetrator”, he would go out of that door happy as Larry. He has cleared his belly, as they say here in Northern Ireland, yet we as the victims still have to live with it. The only man getting his conscience clear is the guy who perpetrated it.

Mr Frazer: Could I just mention the one on cross-community, and I will cut to the chase here because everybody sees FAIR as controversial, we are seen as the bad guys within the victims sector and I am sure nobody will say anything different here in front of you. We have Catholics in our organisation, I work regularly with Catholics, I have had letters from nuns and priests thanking me for the work with people in the Catholic community. I can lift the phone and ring three or four Catholic families who are genuine people who have been attacked by the thugs within their communities. A quick example: one family in Newry, because the young fellow gave an IRA man a thump in a bar, he went to his house that night and broke his arms and legs with a baseball bat. He obviously went to hospital and then he went to the police and all; they sent him to Victim support. Victim Support advised him to go to Sinn Féin, the very people that had been to their house. That family did not know what to do; the mother rang me at eleven o'clock at night crying. That is the reality of the situation, that is the truth of the matter.

Mr Wilkinson: Instead of taking up the time, perhaps, of the members today is it possible to submit further evidence?

Q729 Chairman: Certainly, any time you like.

Mr Wilkinson: We have looked at the South African model, we were sad to see that that seemed to be the Secretary of State's first port of call in this issue because that concerns the victims, but amnesty is the key reason. The continuing theme through truth and reconciliation commissions internationally is the caveat that any people who participate are granted an amnesty; we believe that is the fundamental flaw.

Q730 Chairman: I think, to be fair, so does the Secretary of State.

Mr Frazer: Chairman, can I ask, is Guinness free or something out in South Africa? I would like to know what the big attraction is out there and how much money has been spent. You talk about the £500,000 we have had, but how much money has been spent going to South Africa?

Chairman: That is not a question for me. Gentlemen, thank you very much indeed for coming. We are running way late, but it has been very interesting to hear what you have to say and we are very grateful to you for taking the time.

Memorandum submitted by the Training for Women Network

The Training for Women Network (TWN) would like to submit the two enclosed research reports *In Their Own Words* and *Women, Civil Society and Peacebuilding* as evidence before the above inquiry⁹². They are both the result of extensive research in the areas of the victims sector in Northern Ireland and the role of women in the transition from conflict.

TWN is a network of women's organisations and individuals in Northern Ireland with a membership spanning all geographical areas and sectors of the region. As a funding body, TWN has extensive experience in the selection, administration, monitoring and evaluation of women's training projects in community settings on both sides of the divide with a focus on peace and reconciliation. Both enclosed reports demonstrate the centrality of women in post-conflict arrangements and activities.

CURRENT SITUATION WITH WSN MEMBER GROUPS

ALL SIX KEY BELFAST WOMEN'S GROUPS

Ballybeen Women's Centre

Ballybeen Women's Centre offers a variety of services to local women, including three childcare facilities. All of the core posts including Finance, Admin, Management and Childcare are under threat due to the current funding climate. If funding doesn't come on stream in the immediate to short-term future it will be impossible for Ballybeen Women's Centre to continue delivering these services at their current capacity.

Footprints Women's Centre

Closure may be a reality for Footprints Women's Centre if the current funding crisis is not resolved. Footprints offer many services and facilities to local women; these include education and childcare facilities. For example; Footprints offers the only day-care childcare provision in the Colin Glen area and is the biggest local employer outside of industry. Potentially 35 posts and services that are accessed by hundreds of women each year could be lost.

Falls Women's Centre

Falls Women's Centre offer a range of services to and for women. Various staff and services are under threat due to the current funding crisis. For example, two Admin workers and three staff in the advice and family support unit have been put onto protective notice. If funding doesn't come on stream in the immediate to short-term future it will be impossible for Falls Women's Centre to continue delivering their services at their current capacity.

Greenway Women's Centre

By the end of March 2005 Greenway WC could lose much of their core staff team including the education worker, crèche workers and the finance/admin worker. The Essential Skills education worker is funded until June 2006 and the Voluntary Co-ordinator is supported by the Volunteer Development Agency until March 2006. However, the centre will not be able to sustain its work without the core staff team.

Shankill Women's Centre

Four staff are currently on protective notices. By the end of 13 June workers could be on protective notices, leaving one core-funded post. There is simply no way to continue with the volume of work unless funding is secured for the posts at, at least their current capacity.

Windsor Women's Centre

Six of Windsor's core staff (including the Job-share co-ordinators, Finance officer, Administration officer, Cleaner and the Childcare Co-ordinator) have been on protective notice from the end of February. Two posts in the childcare department are funded until June 2005; with a further three posts continuing until September 2005. The advice unit in Windsor has been closed since August 2005 due to a lack of funding. In the eight months of 2004 that the advice unit was operational they dealt with 3,300 clients. Windsor Women's Centre will not be able to continue to meet the needs of their local community, at its current capacity if funding is not available to fully resource this work.

⁹² Not printed.

OTHER CENTRES AND WOMEN'S ORGANISATIONS

Atlas Women's Centre, Lisburn

All funding for staff (with the exception of one project) is under threat. Slippage monies will sustain two workers (admin and Childcare) until June 2005. The Centre Manager has agreed to work voluntarily for two months from the end of March. All other staff posts could be lost by the end of the month. If the centre closes the following services will be lost—The crèche at Atlas Women's Centre which serves over 30 families a week, with some 100 students places a week attending the courses which range from computing to flower arranging, sign language to first aid.

Women's News (Skills training Bi-monthly and magazine publication)

Beyond March *Women's News* have one part-time training post funded until the end of June and part-time tutor hours (not a post, 12 hrs max per week) until December 2005. However, they will be losing one part-time Finance/Administration worker, one part-time editor, one part-time training worker and one full-time Marketing/Fundraising worker—total staff loses of three part and one full time staff member. Obviously this situation is a serious threat to WNs being able to continue to stay open. A drastically reduced training service, with no magazine publication is the best-case scenario at this point in time.

Ardoyne Women's Group

AWG employs one full time co-ordinator, one part-time crèche worker and one part-time finance and admin worker. They have not been paid a salary since the end of October 2004. They continue to keep the centre open and some programmes running and are working without pay to enable the group to continue operating in the North Belfast area in the hope that they will hear from their potential funder soon.

Citywide Women's Consortium

CWC is a consortium of women's community based education providers and user groups. The currently employ two full-time staff. Their funding ends in December 2005.

Women's Tec

Women's Tec have a variety of funded projects with different end dates on project completion, however, the funding for core staff costs including organisation Director and Finance/Admin staff comes to an end on 31 March 2005. Without the funding for these core posts all of the Wtec projects will also be jeopardised.

Ballymurphy Women's Group

Various end dates for different staff. The funding for the Co-ordinator's post ends in June 2005. The continuation of all of the work of the organisation will be under threat if core costs and core staff are not funded. A BRO application to secure three posts has been unsuccessful and they are appealing this decision.

GROUPS CLOSING

Belfast Women's Training Services

BWTS is closing down after 12 years of operation with the loss of four part-time and four full-time staff. This is a major blow to the women's community-based education sector with a loss of 200 training places per year. Since 1993 over 2,000 women have completed training courses and personal development programmes through BWTS.

Women Educating for Transformation (WEFT)

Dublin & Dundalk with cross-border work.

The Dublin office closed at the end of January and the Dundalk office will close at the end of April.

CONCLUSION COMMENT

Much of the funding for women's organisations is coming to an end in the next few months. We are still awaiting the Taskforce report-back on the future funding of the community and voluntary sector almost a year after the consultation ended, and given the delays in the processing of Belfast Regeneration Office (BRO) Neighbourhood Renewal applications and a lack of other funding opportunities—things are looking bleak for many of our member groups. The above information is only a fraction of the groups than are going to be affected by the current funding situation.

The long term effects of this under-resourcing (or even non-resourcing) of the work of the women's sector will have implications across, and beyond, the community and voluntary sector, reducing locally accessible and high quality services for women and their families in many of the recognised and documented areas of greatest need.

Supplementary Memorandum submitted by the Training for Women Network

WOMEN'S ORGANISATIONS AND THE FUNDING CRISIS IN NORTHERN IRELAND

INTRODUCTION

It has been generally acknowledged that women have sustained communities in Northern Ireland throughout the conflict, carrying out the daily tasks associated with domestic survival regardless of the political situation or conflict-related incidents. Women's organisations have been central to the care and support given to individuals suffering the effects of the conflict. Indeed, studies of victimhood in the conflict have revealed that women far outnumber men in terms of those suffering trauma, those seeking help and those providing care.

Women's organisations have also been at the forefront of inter-community connections, peacebuilding initiatives and the defusing of conflict within and between communities. This is recognised in international agreements, such as UN Resolution 1325 (2000). In the context of Northern Ireland, women have been and remain at the cutting edge of reconciliation initiatives.

FUNDING CRISES

The women's sector in Northern Ireland, despite the provision of such essential services, has been chronically underfunded. Where funding has been provided, it has been piecemeal, short term and late, causing many within the sector to seek more stable work elsewhere, creating anxiety for the future and drawing valuable time and resources away from the vital work of the organisations.

In the case of women's centres in Belfast, the Office of the First Minister and Deputy First Minister granted emergency funding for one year in March 2004, which expires on 31 March 2005. To date, there has been no indication of where continued funding might be drawn from. In addition, the reduction in funding led a number of organisations to look to European funding from the Peace and Reconciliation Programme for the purposes of stability, but also in the acknowledgement that women's groups have so much to offer in the area of peace and reconciliation. Now this fund has been reduced for the Peace II extension and the cutting of measures that benefited women (Measures 1.5—regained through intensive lobbying; 2.5 and 4.1), groups are looking again for funding from the Government that has been discontinued.

THE STATE OF FUNDING FOR WOMEN'S GROUPS, MARCH 2005

The following is a brief summary of the state of funding for some groups in the women's sector who have responded for the purposes of this submission:

- Belfast Women's Training Services—closed 31 March due to lack of funding.
- Ballybeen Women's Centre—all posts and services under immediate threat.
- Footprints Women's Centre—35 posts and all services under threat.
- Falls Women's Centre—two admin workers and three staff on protective notice, current capacity threatened without funding in the short term.
- Greenway Women's Centre—much of core staffing will go by the end of March, without which work cannot be sustained, two other workers funded to March and June 2006.
- Shankill Women's Centre—four staff on protective notices, nine more by the end of June 2005, leaving one core-funded post.
- Windsor Women's Centre—six core staff on protective notice, two more posts funded to June 2005 and three to September 2005, advice centre closed August 2004 (which dealt with 3,300 clients in the eight months it was open), cannot sustain the current capacity.
- Atlas Women's Centre—All staff funded to the end of March, except for two posts to June 2005, when the centre may have to close.
- *Women's News*—Part-time training post funded to June and part-time tutor hours to December 2005. Three part-time and one full-time post to be lost in the immediate future with a threat of imminent closure.
- Ardoyne Women's Group—All posts unpaid since October 2004.
- Citywide Women's Consortium—Funding ends December 2005.
- Women's Tec—Some project posts funded to various dates, but core post funding ends 31 March 2005, putting project posts in jeopardy.
- Ballymurphy Women's Group—Co-ordinator's post ends June 2005, refused further core funding by the BRO.

- Women Educating for Transformation—One office closed January, other office in April, which will end the crucial cross-border work of this organisation.
- Rasharkin Women's Group—One project funded to December 2005, all others being lost by the end of April.
- Gorbals Women's Group—New cross-community group that is threatened with closure.
- Women's Centre, Derry—Reliant on further funding to prevent closure.
- Peace II projects, Measure 1.5—half of the 34 women's training projects will be unsustainable from mid-2006 and half of the 91 childcare projects from mid-2005.
- Peace II projects, Measures 2.5 and 4.1—no further funding beyond 2006, many ending during 2005.
- Rural networks—five of the six networks without funding or losing funding by the end of March 2005.

This list is a small part of the general state of the women's sector in Northern Ireland, comprising only those that have been able to be contacted, could respond and be collated in the short space of time required for submission. If the premise that women's organisations are crucial to the support of victims of the conflict and central to the process of reconciliation (see separate submissions to the Committee, Women, Civil Society and Peacebuilding and *In Their Own Words: A Research Report into the Victims Sector*), the work of these organisations would need to be expanded in the current political climate, not drastically reduced, as is currently the case.

March 2005

Memorandum submitted by the Healing Through Remembering Project

1. INTRODUCTION

This submission outlines the work and perspective of the Healing Through Remembering (HTR) Project with regards to the issue of dealing with the past. HTR is an extensive cross-community project made up of a range of individual members holding different political perspectives. They have come together over the last five years to focus on the issue of how the past can be dealt with in and about Northern Ireland.

The project carried out a wide public consultation process on the issue and published its findings in June 2002. In this report a set of recommendations were made. The recommendations are outlined in this submission, as well as the current work of the project which aims at implementing the recommendations. We believe the recommendations and focus of HTR provides a framework for building reconciliation and dealing with the past in an integrated, consensual and effective manner.

2. BACKGROUND

In February 1999 Victim Support Northern Ireland (VSNI) and the Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO) jointly invited Dr Alex Boraine to visit Northern Ireland. Dr Boraine, at the time Deputy Chair of the Truth and Reconciliation Commission in South Africa, met a number of groups and individuals to discuss the experience of—and the lessons learnt from—South Africa and to consider any bearing they may have on the conflict in and about Northern Ireland. The essence of these discussions was captured in a report entitled *All Truth is Bitter* launched in March 2000.

All Truth is Bitter recommended that it would be a useful exercise to hold wide-ranging discussion to explore and debate ways of examining the past and remembering so as to build a better future. To this end—and on the initiative of the individuals and organisations who first invited Dr Boraine to Northern Ireland—a number of individuals were invited to form a Board. After much discussion, in June 2001 a group of individuals formally agreed to become the Healing Through Remembering Project Board. The Project was formally launched on 8 October 2001.

The vision of the project was:

An acknowledgement of the events connected with the conflict in and about Northern Ireland, and in so doing, individually and collectively to have contributed to an understanding of, and the healing of, the wounds of society.

The specific mission of the project was:

. . . to identify and document possible mechanisms and realisable options for healing through remembering for those people affected by the conflict in and about Northern Ireland. Building on a range of previous and current local, national and international initiatives, including discussions with experts, the Project will undertake a range of in-depth discussions with organisations, communities and politicians and individuals on the issues of truth-telling and healing.

CONSULTATION PROCESS

The key task of the Healing Through Remembering project was to undertake a consultation process on how Northern Ireland, and those affected both in and out of Northern Ireland, could remember and deal with the past, and in so doing move towards healing. The purpose of the consultation was to produce a document outlining a range of options for dealing with the past and truth recovery, to be submitted to the British and Irish Governments and Office of First and Deputy First Minister, and the public. To undertake the consultation the Board agreed on the following primary question for the consultation:

How should people remember the events connected with the conflict in and about Northern Ireland, and in so doing, individually and collectively to the healing of the wounds of society?

So far as possible the project endeavoured to ensure that as many voices as possible were heard through the consultation process. To this end the project was interested in attracting as wide a range of views from the general public, as well as from organisations and individuals with a specific concern with dealing with the past. All were invited to make a submission to the project either in writing, or through the project website.

The call for submissions was advertised in all the major newspapers. Organisations were also personally invited by letter to make a submission. All were also offered an opportunity to meet the project staff or have a facilitation session on the issues at hand. This opportunity was taken up by fourteen organisations. A number of seminars and background interviews were also undertaken during the life of the project. In summary:

- A call for submissions was placed in 56 local newspapers.
- Over 400 organisations were personally invited by letter to make a submission.
- 5,000 project leaflets were distributed.
- The project website was visited 1,940 times recording 39,934 hits.

THE RESPONSE

In total, 108 submissions were received by the project from individuals and organisations. The individual respondents included victims, ex-service personnel, ex-prisoners, students, academics and service-providers. The organisational respondents included victims' groups, NGOs, religious organisations, security forces, artists and performers. The bulk of the submissions were from Northern Ireland, with some coming from England and the Republic of Ireland, and one from the United States of America. All submissions received were individually summarised by a member of the project consultancy team. These summaries were then collated under the themes that arose from the submissions and written up.

SUMMARY OF SUBMISSIONS

Drawn together, the 108 submissions provided a varied range of opinions and insights into remembering processes that may help to address the legacy of the conflict in and about Northern Ireland. While there was general support for remembrance, contributors also expressed many concerns over the practicalities, and whether remembering would increase division and violence, or bring healing.

Those who made submissions proposed 14 different forms of remembering process:

- Storytelling and oral history;
- Memorials;
- Museums, exhibitions and art;
- Public and collective commemorations.
- Truth recovery processes;
- Other forms of legal processes;
- Community and intercommunity interactions;
- Support for individuals and victims;
- Research and social policy development;
- Centre for remembrance;
- A financial response;
- Education and training;
- Supporting current remembering processes;
- Self-examination of institutions and apologies.

RECOMMENDATIONS

Many of the submissions endorsed the value of remembering and spoke of the importance of finding ways to move society forward. At the same time, others expressed their concerns about the potential pitfalls of remembering. Clearly, the idea of remembering also evoked an emotive response, suggesting that much hurt and unresolved pain is still present. Because of this the Board felt that they had a responsibility not only to reflect back what was said, but also to help chart a way forward. The Board came to the view that it was a sufficiently diverse and a large enough group to make a meaningful and unified comment on the various recommendations received. The members of the Board, as members of the wider community, felt they had a moral responsibility to be more than simply a passive reflection of a list of opinions raised in submissions. Therefore a series of potential future options are set out, which seek to remain faithful to the views expressed in the submissions.

The Board made six detailed recommendations. They form together a collection of mechanisms and strategies to promote healing through remembering. They are presented here in no particular order of importance and will need to be interrelated in their implementation, as they are complementary. Furthermore, each option is still some way off, and in order to succeed will require ongoing discussion and inclusive participation to succeed.

Recommendation One: The experience of the project has strongly impressed upon the Board how much remembering and commemoration work, is and has been, going on across our society, some of it well known, some unknown. This work must be supported and would benefit from being collated and co-ordinated through the establishment of a network of remembering projects.

Recommended: A network that will link together the diverse forms of commemoration and remembering work, learn from past and present initiatives, facilitate information exchange, and improve access and activity between those involved in commemoration and remembering work and society at large.

Recommendation Two: Storytelling and the archiving of stories about the conflict and its impact are important. Their importance lies not just in being a testimony to, and affirmation of, our individual and collective experiences, but because it is through such a process we come to know others and ourselves. Storytelling can be an important part of healing including the opportunity for acknowledgement. To work effectively this process requires broad community support transcending historical divisions so as to give voice to those individuals and communities who have suffered as a result of the conflict.

Recommended: A storytelling process known as “Testimony”. Stories and narratives will be collected from all who wish to tell of their experiences of the conflict in and about Northern Ireland. These stories—collected by those already undertaking this type of work and by community groups through a flexible but standard method—would form part of an archive housing the stories of the past and serving as a vehicle to learn lessons for the future.

Recommendation Three: We need temporal aids to remembering. We need time to pause, to think and to reflect. As such, the Board was persuaded of the need for a Day of Reflection to remember all those who have been affected by the conflict in and about Northern Ireland. Reflecting on the past in a respectful and dignified manner can help us remember our hurts and in so doing remind us of the need to avoid repeating the mistakes of the past and learn new lessons for the future.

Recommended: An annual “Day of Reflection”. The day will serve as a universal gesture of reconciliation, reflection, acknowledgement and recognition of the suffering of so many arising from the conflict in and about Northern Ireland.

Recommendation Four: We need structural aids to remembering. A permanent living memorial museum offers an important and tangible vehicle, where living active memories of events of the conflict can be accessed by society, including children and visitors. The living memorial museum would not only serve as a memorial to the those injured and bereaved in the conflicts of the past through housing a garden of reflection, plaques and other commemorative items: it would also serve as a location for knowledge dissemination, future learning and hope. The Museum could form part of a collective grieving and reflection process, at the same time being a memorial that can evolve, and is not static.

Recommended: A permanent living memorial museum. The Living Memorial Museum will serve as a dynamic memorial to all those affected by the conflict and keep the memories of the past alive. It will provide a diverse chronicle of the history of the conflict in and about Northern Ireland, increase public awareness of the impact of the conflict, disseminate information and provide educational opportunities ensuring lessons are learnt for the future.

Recommendation Five: It is only on the basis of truth that reconciliation can take place. A formal truth recovery process should be given careful consideration. An important first step is acknowledgement. Acknowledgement by all, of our acts of commission and/or omission during the conflicts of the past, needs to be forthcoming. Acknowledgement by all of what they did and what they did not do to prevent further loss of life is the first and essential step toward any collective and beneficial remembering process or processes. This would lay the foundation for further exploring the feasibility of a truth recovery process. Finding the truth concerning past events is part of our corporate remembering. It is our strong impression that more than acknowledgement is needed, but the idea needs much more focused investigation.

Recommended: That all organisations and institutions that have been engaged in the conflict, including the British and Irish States, political parties and Loyalist and Republican paramilitaries honestly and publicly acknowledge responsibility for past political violence due to their acts of omission and commission. This could be the first and necessary step towards potentially of a larger process of truth recovery. If acknowledgement is forthcoming inclusive and in-depth consideration should be given to the establishment of an appropriate and unique truth recovery process. In order for this to develop a team comprised of local and international expertise should be established—using a fair and transparent method—to explore the specific feasibility of such a process.

Recommendation Six: In order to ensure the implementation of the Healing Through Remembering recommendations a body to oversee this work is needed. It should also assess where the progress of each recommendation can be supported, as well as monitor and evaluate the implementation of each recommendation. Such a body could also provide a basis for learning and developing ideas derived from the initial consultations and from other schemes, local, national and international. It can also become a beacon and a point of contact for individuals and groups elsewhere in the world who are searching for ways of dealing with their own past

Recommended: A Healing Through Remembering Initiative managed by a representative Committee that will be a visible expression of society's commitment to move forward while remembering and learning from our violent past. The Healing Through Remembering Initiative will have primary responsibility for ensuring the implementation of the recommendations of the Health Through Remembering Report and monitoring process, thus ensuring a future where our children can cherish the past and be freed to transform our society for the better.

3. CURRENT ACTIVITIES

3.1 *Healing Through Remembering Initiative*

The Healing Through Remembering Initiative (HTRI) is pursuing each of the recommendations of the HTR Report outlined above. A separate sub group has been formed to deal with each recommendation, modelled on the original HTR project in terms of diverse membership and operation. The overall management of the project is co-ordinated by the HTRI Board of Directors which includes the Chair of each sub group. This ensures the sub groups can work freely and with independence while linked to each other in all their activities. The current activities of each sub group are summarised as follows:

3.2 *Storytelling Sub Group*

This sub group has commissioned a broad audit of storytelling projects relating to the conflict in and about Northern Ireland. This work is being carried out by two researchers, one with international academic interest in societal remembering and one with experience of local storytelling initiatives. The research will lead to the publication of an interim report and a directory of storytelling initiatives in April 2005 followed by a conference based on the findings in May 2005.

3.3 *Day of Reflection Sub Group*

An initial database of international days of remembrance/reflection has been developed and this sub group has now commissioned further research into a number of specific international days of remembrance/reflection. The research involves using local contacts in each country to ascertain the actual practices and events on the day; those who take part; those who do not take part; the motivation for the day; the process to establish the day and the events; any efforts to make the day “reflective” rather than just “remembering”; and obstacles to developing a genuinely inclusive day. In addition to this work, a database is also being created in-house which uses the “Lost Lives” book to log the deaths on every day for each year during the conflict. This enables the individuals who died on any given date to be quickly identified when considering the suitability of a particular date for a day for reflection. So far, in the five months considered over the years of conflict, no single day has been found when there was no conflict-related death. Furthermore, in light of local initiatives by a number of Sinn Féin Mayors to hold “Days of Reflection”, representatives of the sub group are also meeting with those involved in hosting the “Days of Reflection” and those sceptical of the events. The sub group is also planning a range of regional discussions on the concept of a “Day of Reflection” in 2005.

3.4 *Living Memorial Museum Sub Group*

The sub group has commissioned an extensive audit of current artefacts relating to the conflict which are held in existing archives and personal collections. In addition, in order to raise awareness of the potential of a living memorial museum, and to begin the debate as to what this would entail, this sub group will be running an architectural competition for architecture and design students in Great Britain, Northern Ireland and the Republic of Ireland. Students will be asked to produce a design for a living memorial museum. A similar scheme for school children is being considered which would involve describing or drawing key items

for such a museum. Furthermore, the sub group are currently debating how to address the difficulties that exist in representing experiences and policies relating to the conflict (egs housing issues; experience of the fire service) in such a museum. The first stage in this debate is the collation of international resources, books and conference papers relating to the formation of museums about relevant issues (eg Holocaust museums, District Six Museum in South Africa).

3.5 *Acknowledgement/Truth Recovery Sub Group*

To take stock of the current position of key organisations, institutions and parties relating to acknowledgement of their role in the conflict, through commission or omission, this sub group has commissioned an audit of institutional positions in this regard. This will involve meeting key individuals from a number of organisations to discern their current policy on acknowledgement, their understanding of the term and the enablers and obstacles they see to truth recovery. While this research is being carried out the sub group will also hold discussions with individuals from a wide range of organisations to exchange views. In addition, a series of seminars will be held focusing on truth recovery and acknowledgement processes in different countries. A number of international speakers (eg Peru, Guatemala, South Africa, East Timor) will be used. The aim of these seminars is to facilitate a more in-depth analysis of different approaches. An important element of these seminars will be an addressing of “transferability” potential, or lack of, in the key elements to use in our situation.

3.6 *Network Sub Group*

This subgroup will undertake a study of the assumption that commemoration (co-remembering), ie remembering with those you consider to be “other”, is in fact positive and healing. They aim to consider what are the necessary preconditions to effective co-remembering. They are currently preparing the research brief for this task. In addition to this, the sub group will address the various meanings attached to core terms (eg remembering, healing) used in the debate and approach to dealing with the past. They recognise that the variety of definitions of key terms held by different groups and individuals can hinder the discussions on and understanding of any proposed models.

4. CONCLUSION

There is no single treatment for the healing process. Processes of remembering, reflecting, informing and educating must be sustained for another generation at least All have a part to play in dealing with the memories of the past This will be a painful and difficult task, however it should not paralyse us and prevent us from moving on, but encourage us to avoid further damage, seek solutions and create a better future. The recommendations presented here, and the work begun by HTR, should not replace what is already in place and what is developing in other sectors. It is our belief that the initial HTR recommendations taken as a whole can usefully complement current initiatives that should continue to be supported and developed. Each of the six recommendations and the work of the sub groups are presented separately above.

In practice, all our recommendations, and the work we are currently undertaking, are related. They should be seen as an ensemble rather than as isolated activities. The realisation of the recommendations will take time, and each option can only be developed following inclusive discussion and when the time is right for that option. That said we believe the areas the HTR Initiative focuses on provides a framework for how best to deal with the past

The work of the HTR project will stand or fall on the commitment of those who are willing to take it forward. While the Healing Through Remembering Board and the members are committed to this, the process is much larger than they alone can offer. To ensure its implementation the British and Irish Governments, and local political leadership, will need to endorse the original Report and provide a conducive environment for realising the recommendations. Communities, community groups, individuals and organisations need to do the same and engage in the work of the project as many are currently doing, whilst continuing to develop their own work.

We believe it is essential that steps are taken across the board, in addition to ones we are pursuing, to develop a network of commemoration and remembering projects; a storytelling initiative; a day of reflection; a living memorial museum; and that acknowledgement, especially by those actively involved in the conflict, institutions and the governments, of their role in the conflict is forthcoming (this should provide the foundation for further exploration of truth recovery mechanisms) if the past is to be effectively dealt with.

To translate the HTR recommendations into dynamic and unique practices and methods for dealing with the past in a spirit of tolerance and respect will require a willingness to take risks. Our society as a whole will need to grasp the opportunity of remembering in a constructive way, to enable us to move into a new future built on a shared acknowledgement of our conflicted past.

Memorandum submitted by Democratic Dialogue

Please find attached by way of written submission to the committee our two reports on “victims issues”.⁹³ You might wish particularly to copy for members’ the conclusions to the two reports, which inter alia set out a distinct approach to “truth recovery”.

This might be set out as having two key characteristics, without which it seems difficult to see how any progress can be achieved:

- (i) It is an ethical approach, premised on the application of universal values, where conflicting moral universes otherwise collide.
- (ii) It is driven by a concern for objectivity and impartiality of treatment rather than selective articulation of “truths” for partisan purposes.

I hope these documents will be helpful, and will complement the input to the committee from the Healing Through Remembering project.

Memorandum submitted by Mr Brandon Hamber

This submission outlines a number of areas for consideration when thinking about the issue of dealing with the past and reconciliation in societies coming out of conflict. It consists of four sections. First, the breadth of the notion of dealing with the past is considered. Second, the question of the issue of victims of political violence is discussed. Third, some points with regard to the idea of a truth commission for Northern Ireland are outlined. The submission then ends with the extraction of five broad lessons that may be helpful in thinking about dealing with the past in any society in transition.

1. DEPTH AND WIDTH OF THE PROCESS OF DEALING WITH THE PAST

Dealing with the past and building reconciliation is a long-term, deep and wide process. As such there are multiple (generally context specific) ways used to deal with the past in different countries. In a submission such as this it is difficult to outline all of these. Furthermore, research in Northern Ireland has shown that reconciliation is a multifaceted concept in itself and is also defined in different ways in different contexts. Although this submission makes extensive reference to the notion of a truth commission, it is important that we think about “dealing with the past” as a process much wider than a narrow debate on truth commissions. One criticism I would have of the South African approach was an over-reliance on stressing the South African Truth and Reconciliation Commission (TRC) as the primary mechanism for dealing with the past, when clearly a range of mechanisms were going to be necessary over a long period of time.

The Healing Through Remembering consultation process heralded probably the most thorough public and civil society investigation to date of strategies for dealing with the past in Northern Ireland. Their consultation identified 14 key approaches to dealing with the past. These include: storytelling and oral history; memorials; museums, exhibitions and art; public and collective commemorations; truth recovery processes; other forms of legal processes such as trials and inquiries; community and intercommunity interactions; support for individuals and victims; research and social policy development; a Centre for remembrance; a financial response, ie the establishment of a memorial fund for victims, and a satisfactory compensation system; education and training; supporting current remembering processes; and self-examination of institutions, and apologies.

More specifically, the Project recommends: (1) developing a living memorial museum; (2) establishing a day of reflection; (3) setting up a network of commemoration projects; (4) establishing a collective storytelling initiative; (5) establishing an initiative to take the recommendations forward; and (6) initiating an acknowledgment process towards truth recovery. In terms of truth recovery, the Project felt that a formal truth-recovery process should be given careful consideration, though only as one part of dealing with the past. Importantly, the HTR final Report stipulates that an important first step in a truth-recovery process is acknowledgement, by all, of acts of commission and/or omission.

I understand that the HTR project has made a separate submission to the Committee, but I mention it as I believe the breadth of the areas touched on by the Project’s Report—and the different methods for dealing with the past referred to in their consultation as outlined above—highlight the various components that will need to be addressed to holistically deal with the past. I draw attention to them because some, if not all, will need to be addressed in one way or another in any society attempting to deal with the past and build reconciliation.

⁹³ Not printed.

2. VICTIMS AND DEALING WITH THE PAST

Support services for victims of political violence are a critical component of dealing with the past. A long-term process of dealing with the needs of victims should be put in place—to date a range of steps for addressing the needs of victims have been set up in Northern Ireland.

That said, state responses to the impact of the conflict in and about Northern Ireland have been criticised for being slow and limited. There was until recently a “policy silence” in the areas of health, social services, education and other provisions for victims of the conflict. This has resulted in a legacy of distrust (especially of statutory services) within many community groups working with victims of the conflict. My research and that of others has shown that the process of supporting victims came fairly late in the day and initially was somewhat chaotic in its development, although the process is currently stabilising.

The biggest threat to support services in Northern Ireland remains the lack of commitment to fund and support victims over the long-term. International lessons suggest victims support needs to continue for decades and the two-year funding cycles for Victim Group Core Funding in Northern Ireland is inadequate in that regard. Many victim groups remain concerned about the possibility of long-term funding, sustainability and support. Although they hold fairly divergent views at this stage about how best to deal with the past (eg should there be a truth commission, a memorial listing all those killed in the conflict), most however would agree that ongoing support remains a priority.

Having said that, the provision of extensive counselling or setting up public health facilities, although welcome, do not fully address the wider notion of dealing with the past. Of course, victim support services are necessary. Victims need to be provided with the space to tell their stories, be heard and be officially acknowledged. However, when considering the notion of dealing with the past more broadly, we should not fall into the simplistic trap of arguing that revealing (telling the truth) or storytelling as it is sometimes called is instantly healing. Storytelling may be a necessary step, but testimony is not sufficient in itself to heal all victims, address the wounds of the past or deal with the past more generally.

My work over the years has routinely shown that victims are unlikely to divorce the questions of truth, justice, the labelling of responsibility for violations, compensation and official acknowledgement, from the healing process. Therein lies the challenge: setting up sufficient support services for all victims of political violence could be envisaged, but integrating their other needs—some perhaps overridden in the name of peace, such as the right to justice—is infinitely more complex.

Victim rights, and the intricate needs of individual survivors with regard to truth, justice and reparation, are often negated by compromises made to ensure peace (such as the release of political prisoners). As such governments and political parties may find themselves at odds with victims as political processes often move forward more rapidly than personal processes. If so, policymakers and governments will be required to deal as best they can with the legitimate frustrations of victims whose rights have been violated—a less than ideal position.

The denial of certain rights to victims often leads to the understandable desire by victims to want their pain to be legitimately heard. This sense of injustice is often at the heart of the conflict between different victim groups (and politicians) as to who are the “real” victims of the conflict. It has become common for some groups to refer to themselves as “real” or “innocent” victims in Northern Ireland. Individuals from different sides of the conflict have alleged that there is a hierarchy of victimhood, ie pointing out that their specific type of victimisation is given a lower level of official prioritisation than certain others. If we think of the injustices many have suffered, such a “competition” for victimhood makes sense. That said there is a responsibility on politicians committed to peace to try to defuse this situation rather than play into it.

Brice Dickson of the Northern Ireland Human Rights Commission provides some useful pointers in dealing with this situation. He notes that the nature of victimhood differs according to the nature of the wrong that has been committed against the victim. The wrong has two aspects to it: the act itself (eg, the killing, the assault, the threat) and the consequences of the act (eg, the death, the injury, the fear). If we are to decide what rights victims should have, he argues, we should have regard for both aspects. The former aspect calls for rights such as recognition, acknowledgement and apology. The latter aspect calls for rights such as compensation and access to services. The former is more politically contentious as usually acknowledgement and recognition are dealt with by truth commissions and other official processes.

Rights in relation to service delivery are more straightforward. It would appear that law could underpin rights to compensation and adequate services—the draft Bill of Rights in Northern Ireland supports this. The difficulty, however, comes when dealing with the complexity of needs of victims in transitional societies related to truth, justice, recognition and acknowledgement. Addressing such issues essentially requires political solutions and commitment to openness, transparency and public acknowledgment in some form (eg through reparation, apology, and political parties, paramilitaries, security forces and governments actively participating in peacebuilding initiatives and truth-recovery processes if necessary).

Having said that, victims’ rights in criminal justice studies, albeit somewhat developed, remain the poor relative to many other aspects of criminal justice the world over. In transitional justice studies the concept is almost non-existent. A more rigorous engagement with the issue of victims’ rights still needs to be developed and articulated. Focusing ongoing discussions concerning victims and dealing with the past within and about Northern Ireland in a rights discourse from the outset may be a useful starting point.

3. A TRUTH COMMISSION FOR NORTHERN IRELAND?

Although victims need to be at the forefront of any policy for addressing the past, the question of dealing with the past and truth-recovery concerns wider society. In 1998 I undertook research on whether or not Northern Ireland should have a truth commission. I came to the conclusion that, at that time, an official truth recovery process seemed unlikely for Northern Ireland. Others made similar arguments; namely, that no moral or political authority existed to support an entity such as a truth commission. I further argued in my research that the balance of power between forces during transition generally determined government policy on issues and, in Northern Ireland, at that stage, the forces were too evenly weighed and all sides were opting to leave their truths hidden for the time being. As such:

Most political players demand truth from those they perceive as the other side or sides, but seem unwilling to offer the truth from their side, or acknowledge and take responsibility for their actions. This is mostly due to fear that such acknowledgement (public or otherwise) will weaken in the new dispensation and that the truth may be used against them within the context of the delicate peace that prevails. There are also those in Northern Ireland who refuse to accept that they did anything wrong or that their action (or inaction) was complicit in perpetuating the conflict.

Several years on, the endpoint has not shifted significantly, but the debate and the intricacies of dealing with the past have certainly gained political and public momentum. In addition, various mechanisms that one could broadly call “truth-recovery processes” in some shape or form are underway. International lessons (eg the ongoing debates about the past in Chile, recent prosecutions and additional commissions years after the official truth commission) suggest a truth commission does not draw a line in the sand. It can merely help shape future debate hopefully more constructively. Michael Ignatieff feels truth commissions do not find the complete truth but rather narrow the opportunity for “permissible lies” about the past. He is of the opinion that truth commissions can provide a frame for public discourse and memory. They create a new public space for an ongoing debate.

South Africa’s TRC was a bold attempt, first and foremost, to uncover the truth about what had happened in its past and, in a minority of cases, this did occur. The atrocities of the past were opened up for debate, examination and for lessons to be learnt. Each individual act of coming together (and there were several) or the few genuine acts of repentance seen during the process cannot be scoffed at in a deeply divided society. The TRC went a long way in naming individuals who were responsible for past atrocities and outlining the causes of the conflict and the wider historical context. It also taught some hard lessons about the complexity of dealing with a conflict-ridden past. It assisted in setting some accepted limits in the narrative of *what happened to whom* and, in this, reduced the range of permissible historical revisionism.

Several of the TRC’s recommendations or, more accurately, its calls for ongoing social, economic and political reform in South Africa are also informative. The South African government now and in the future would do well to measure its progress against many of the TRC’s recommendations. Several other institutions (following TRC hearings that focused specifically on them), including the media, the health sector, judiciary, churches and business were also implored to ensure the development of a more robust human rights culture within their structures, while ensuring that South Africa becomes a more equal society.

That said, the TRC’s amnesty provision meant that justice through the courts remains elusive for many victims. The granting of amnesty in exchange for truth remains a difficult issue to bear for many victims in South Africa. Lauding South Africa for its innovative approach—trading truth for amnesty—is meaningless without referring to its context. South Africa’s approach to reconciliation cannot be applied elsewhere without first analysing the power relations in that society and others. A truth commission granting amnesty as in the South African case is not usual practice, most focus on building a picture of the past, investigating unsolved cases and labelling responsibility, largely (but not exclusively) through the use of victim testimony.

Furthermore, truth commissions are generally used to consolidate peace after a formal agreement has been secured, not to try to make peace. The issue of timing in the incomplete Northern Ireland process remains one of the biggest stumbling blocks at this point. This does not mean questions of truth and justice will disappear in Northern Ireland; they will need to be confronted, but when the time is right and when consensus on a method for doing this can be achieved.

The mandate of the South African TRC compelled it to investigate the “causes, nature and extent” of the South African conflict. The TRC could have certainly ventured more boldly into the “nature and extent” of the conflict. In addition, the TRC could have fostered a greater recognition of the need for multiple and ongoing mechanisms over time to continue truth finding and deliver justice in South Africa. However, the South African TRC certainly elucidated the broad causal and historical picture fairly well. This was obviously made easier by the fact that a widely accepted truth already existed, ie, apartheid was a morally abhorrent system that brutalised many. But, on assessment, the TRC did not simply highlight the fact that apartheid was a crime against humanity—uncomfortable ‘truths’ of firmly held narratives about the South African conflict were challenged on all sides.

Contrary to this, the multitude of initiatives taking place in Northern Ireland, largely unofficial, mean that the “nature and extent” of the conflict is fairly well documented. Ongoing projects and compilation of “victim lists” have documented the extent of the conflict in Northern Ireland in great detail (although developing an official list of those injured and killed in the conflict would be a worthwhile endeavour).

However, unlike South Africa, agreeing on or at least having a broadly accepted narrative of the “causes” of the Northern Ireland conflict is one of the biggest challenges to building some form of reconciliation into the future. The fear—not to mention complexity—of exploring the “causes” in an open, honest and inclusive way is the principal obstacle to engaging in a macro truth finding process. Such a process, if designed correctly and impartially, would mean for all parties involved—including the governments, political parties, security forces, paramilitaries and the public at large—potentially compromising on long-held beliefs about the causes of the conflict, or at least being prepared to allow their own perspectives to be scrutinised, and perhaps proved mistaken or misguided. The challenge such a process might present is one of the reasons why many would not support the idea of a truth commission, but equally this could be the very reason for making such a recommendation.

CONCLUSION: LESSONS LEARNED

This section briefly outlines some of the lessons from my research and work on transitional justice issues that may be relevant to the Committee’s work.

1. *Inclusivity, consensus and respecting victim rights:*

Any initiative to deal with the past works best if it is broadly inclusive and is driven by consensus. Truth-recovery processes and in fact any strategy for dealing with the past are most effective when there is consensus on their remit and focus. This requires genuine consultation and a serious engagement with the issues at hand. Victims also need to have their say in such a process. Many may want to tell their stories and have them officially documented, something that some truth commissions have done particularly effectively. But equally it is naive to think that most victims will be satisfied with this alone. Investigation and, potentially, prosecutions will be high on victims’ agendas if international experience is anything to go by. This needs to be respected and become part of the debate from the outset, as does the discussion on victim rights as was mentioned earlier.

2. *Victim-centred but society wide:*

Any process of dealing with the past should not only focus on victims alone because the whole society generally has a responsibility to address the legacy of the past. Although processes for dealing with the past need to be victim-centred, the voting public more widely, governments, political parties, organisations, paramilitaries, security forces and public institutions need to be part of the process of dealing with the past. They all have a role in acknowledging the part they themselves played in the conflict and in finding ways to contribute to effectively addressing the consequences of conflict and meeting the needs of victims. The South African TRC sectoral hearings could be instructive in that regard.

3. *Transparency and public accountability:*

Any process of remembering or dealing with the past needs to be transparent and publicly accountable. In South Africa, for example, the selection of truth commissioners was a public process. The public was asked to nominate individuals that they felt had a good human rights track record to be commissioners. These individuals, some three hundred, were then interviewed in public (by a selection panel selected by President Mandela) and in the full glare of television cameras. Their pasts were open to discussion if necessary and the public could send in questions to the panel if they wanted. Ultimately seventeen individuals were selected. In this way, the legitimacy of the commission was built from the start. This teaches us that transparency in selection process and operation is vital in truth-recovery related processes or any dealing with the past initiative.

4. *Authentic investment in uncovering the truth in a wide-ranging manner:*

A genuine strategy for dealing with a violent past should not merely be set up for pragmatic and political reasons. There are a number of countries where truth commissions have been used as a way of “white-washing” the past. There needs to be an authentic investment in uncovering the truth and dealing with the past as ways of learning lessons for the future. If one thinks of the example of a truth commission (as one mechanism for dealing with the past, of course), the discussion should not be narrowed at the outset (eg truth-recovery being discussed as something that is only dependent upon justice being relinquished as in the South African case, rather than a necessary process in itself). Some truth commissions have recommended prosecutions after their investigations. A creative and wide-ranging discussion is needed. As mentioned above, dealing with the past is long term and multifaceted, and cannot be reduced to one mechanism.

5. *Long-term commitment to reconciliation and not point-scoring:*

Dealing with decades of conflict is long term, complex and time consuming. It will not entail a single approach or model, and the past cannot simply be put to rest. International lessons suggest it takes decades. There are no quick fixes. We should not rush into opinions on different methods before we have agreed that remembering, acknowledgement, truth and justice are important issues for victims and society at large. These are the principles from which any process needs to begin. The past can only be dealt with if all concerned enter the debate in an inclusive and sincere way, aimed at entrenching peace as the ultimate goal. The importance of getting this right should not be underestimated and political parties have a responsibility to create a conducive environment for such work to take place. More broadly, any discussion needs to be aimed at societal reconciliation and not point-scoring. If we do not first agree on the underlying principles (such as the importance of truth and justice or the rights of victims) all discussion will be contorted and subject to political wrangling. This will ultimately result in mechanisms that will continue the conflict by different means, rather than find ways to resolve it constructively.

December 2004

Witnesses: **Mr Michael Potter**, Policy and Research Officer, Training for Women Network, **Mr Brandon Hamber**, **Professor Roy McClelland**, Chairman, Healing through Remembering Project, **Mr Oliver Wilkinson**, Honorary Secretary, Healing through Remembering Project and **Mr Robin Wilson**, Director, Democratic Dialogue, examined.

Q731 Chairman: Thank you all for coming. We are, as you know, looking into the problems of reconciliation and whether there is a way forward, and we have spent the last month or two addressing ourselves to victims and victims groups, of which you are representative of four of them. If you could just answer our questions as briefly as you can and we will see how we go. The question really is whether approaches to reconciliation should be victim-centred or not. Has anybody got examples of a country which has succeeded in designing an effective victim-centred approach to reconciliation? Can anyone drag anything out of their memories? We do not think we have found one. (After a pause). Good, that is the first answer, the briefest answer of all.

Professor McClelland: I think that centring on victims and their special needs has informed a number of initiatives. There is the South African initiative, and Brandon Hamber would be much better at talking about that but, equally, having just come from meeting people from Peru this afternoon, the Peruvian initiative also was cognizant of the hurt and the legacy of that hurt that needed to be dealt with as a moral prerogative, to take initiatives and to move processes forward. For me, in terms of our own community, it gives us the moral prerogative of responding to the hurt where hurt has been most felt.

Q732 Chairman: Do you want to add anything, Mr Hamber?

Mr Hamber: I think most of these initiatives start out very much with the idea of being victim-centred. Some of them might have a political background at the start, like in the South African case with issues around amnesty questions, but in terms of what they are subsequently trying to do, they will often try and put the victims at the centre of it. Whether they achieve that fully or not I think is another issue. There are other examples that I think one could think of; for example, there was recently a commission looking at the issue of torture in Chile, following initial truth commission

reports. That has very much built on the testimony of victims and arguably we could say actually that in both Argentinean and the Chilean cases they really did focus on victims. It is a case, I suppose, of how we define what we mean by the issue of victim-centred, but I think many of them set out, certainly, to focus on victims.

Q733 Chairman: A number of victims and victims groups seem to be sceptical about whether their views have been taken into account by the Government; do you think that is a justified criticism, not least of the groups we have just had in? Do you think the Government has done all it should do, enough of what it should do, or do you think that that is a justified complaint on behalf of the victims?

Professor McClelland: I think there have been significant efforts on the part of Government. The initiative, for example, of trying to deal with trauma and trying to deal with physical trauma as well as psychological trauma is really quite palpable. I think victims are in the best position to read out just how much has been committed, but I do sense, as a trustee of the Northern Ireland Centre for Trauma and Transformation, and being in receipt of quite a large donation from the central Government, without that we could not do our work. I sense that there is at least one major gap, however, where issues about truth and other issues about the past perhaps have not been taken up at all by Government, and that is a gap that I do believe needs to be addressed.

Mr Hamber: I think you can draw a distinction between two separate things: one is about the actual support or dealing with the consequences of what happens to victims, and that might be about counselling, it might be about finding support and other sorts of things. Since 1998, as you know, there have been a range of initiatives to try and set that up, as Roy has mentioned. The second component of it is much more around the issues that affect the victims, which are these questions of truth, justice, compensation and these sorts of

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issues, and I think when one starts to look at that it is quite clear, speaking to victims, that certainly they feel that that has not been fully addressed. Having said that, that is the more difficult part to address because that is fundamentally about political questions rather than actual service delivery, so I think that fact, that there are two separate needs, can be quite important.

Q734 Chairman: What about the dilemma as to whether you talk to victims groups or the victims themselves, some of whom of course do not belong to any group? Which of those approaches do you think is the most likely to get us where we want to go?

Mr Potter: From a political perspective there are a number of victims groups who see themselves as representatives of victims in Northern Ireland. The problem is that the victims sector is very divided and those who are parts of groups are a tiny minority of those who have been affected by the conflict. What we have found through our research is that people seek help, guidance and support in a range of areas within society itself and not necessarily from victims groups—and there are a number of reasons why that happens. Talking to victims groups, therefore, will only really reach a small proportion of people generally. Most ordinary human beings who do not feel themselves politically disposed one way or the other might seek help through the family, churches, other community organisations, but predominantly we have found that women's centres have sustained communities during the conflict, and if we are talking about support to organisations that have supported victims and will support victims in the future, the fact that a lot of women's centres are having to close because they do not get funding from the Government beyond March this year will probably be very detrimental to the communities they serve.

Q735 Chairman: Do they know they are not going to get it, or do they not know whether they are going to get it?

Mr Potter: They have been told that they will not receive emergency funding and a number have closed already.

Q736 Chairman: Would you very kindly let us have a note of those groups which have been told that their funding has been cut off because that would be very helpful to have on the record?

Mr Potter: We will try and dig that out.

Mr Wilson: It is worth adding, chair, that even with the best will in the world, in terms of the victims groups every victim is an individual victim in terms of their experience, in terms of their needs, and unfortunately we tend to bracket people together and say they are victims in a homogenised, collectivised way. Secondly, a lot of people who have had the experience of being victims are actually struggling to get out of that sense of being a victim and that should be a key psychological

point, how they can manage to make the best of their lives so they are no longer feeling consumed by that sense of victimhood.

Chairman: Thank you so much. Mr Gregory Campbell.

Q737 Mr Campbell: On the issue of the role of the victim-centred approach, I am just wondering if any of you have a view on that approach being more difficult to break out of the cycle of victimhood remaining and continuing, or does it in some ways keep on the continuum. Is there a consensus on that?

Professor McClelland: I think there are views and I think the way you phrased the question points to some of the difficulties here. It is a bit like dealing with the past; the view is that the best way to deal with the past is to leave it behind and then go forward, but I think the past invades the present. One thing about trauma—and that characterises victimhood, that people have been traumatised—is that it leaves a lot of psychological hurt, social group hurt, and it does not go away just by ignoring it. I do believe that practically speaking it is problematic to leave it, but also it is morally inappropriate, and we need to start to listen to what they are asking for and take their questions seriously. I sense that is the view coming out, certainly from Healing through Remembering, which I am deeply involved with.

Mr Hamber: In many senses what is important in terms of that is that victims are all seen within some sort of a context, so that if one strictly focuses on victims as if they exist as a subset somehow outside of the broader political, social and other context, then I think we run the risk of ghettoising that focus on victims, but if one places it within context—and that is where it goes back to what I was saying about having to deal with all the other issues in a society, recognition, acknowledgement and other sorts of issues—I think then you have a much better chance of that becoming much more of a social problem that somehow needs to be dealt with. I know that the first time I spoke with you I mentioned the idea of a process being victims centred but society wide, and I think I would stick with that, that although it has got to be victim-centred it has to engage the whole of society, and if it does not I think that could lead to victims becoming more and more marginalised and more and more isolated, but the moment you engage society then you are into the politics of it and that is the difficult part.

Q738 Mr Campbell: On the issue of official victims strategies, some of the victims themselves and victims groups who have appeared before the Committee have indicated that they feel the official strategies do not address what they want to see addressed, they do not see issues such as acknowledgement of the hurt, the anger, they have a sense of being forgotten, they do not see that acknowledgement, they do not see the official

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strategy as recognising where they are or what they have gone through. Do you think that is an accurate reflection?

Mr Potter: Generally in our research that is a feeling within the victims sector itself, of being ignored. That is also a symptom of trauma itself and the result of trauma, but I think one of the main problems is that because the victims sector itself is divided, both on conflict lines but on other lines as well, it is very difficult to put your finger on something and say that we will be seeing to the needs of these particular victims. You are inevitably leaving out another group that considers themselves as victims, and I think that is something that we have not really managed to resolve yet, and it is something that needs to be done over a long period of time between people within the victims sector itself rather than people imposing solutions to that dilemma.

Mr Wilkinson: If you ask people who have been hurt it is a very difficult story that many of them have to tell and there is then a realistic expectation on their part that something will be done about it. I think the experience over the past 10/20 years is that people feel, to the extent that they have told their story, that the fact is that they have told it over again, over again and nothing has ever really happened with it. The second point is that some people who have not told their story, and perhaps have been coping perfectly well, when they hear stories of others it causes them perhaps to feel that there must be something wrong with me, and the kind of intellectualisation of the whole process creates a problem of its own. Maybe there is no answer, but by talking about it and not getting the answers in the right way it encourages people to come forward, perhaps more confused than they previously were.

Mr Hamber: If I can add something about the victim strategy issue, the victim strategy that was produced clearly says “We did not deal with questions of truth and justice in this strategy” and we really focused on service delivery. It in fact goes on to say that it was then waiting for the report of the Healing through Remembering Project before it was going to say anything in that regard, and I think there has been a real gap in waiting for the next strategy. I think that first strategy created a sense of momentum, even if it did not address those questions which I think are difficult questions, and it created an expectation, and there seems to now have been quite a long gap before the second strategy has arrived. I think there are some issues there.

Q739 Mr Campbell: Just on the service delivery, do you think in the round, looking at the victims sector, both groups and individual victims, that they can credibly claim, as many of them do, to have been let down significantly on delivery?

Mr Hamber: You mean in terms of them actually being able to deliver the services themselves or giving money?

Q740 Mr Campbell: Receiving from Government and state agencies the recognition and the delivery?

Mr Hamber: I think that there has been a fair amount of funding in this area and I think that some of the groups have used that fairly well. I think many of them are very good at what they do in terms of delivering services to individuals, but I think I would say that some form of let-down would be more over the long term rather than the short term. There is a continual talking about it as if the next tranche of money is the last tranche of money, and there does not really seem to be a sense of what is the long term thinking, recognising that if we look at comparative examples this is not a two year funding cycle problem, this is a much longer term issue. So I think there might be enough money, although more money could always be used. Where the weakness comes is always this perception that it is going to run out and it is going to run out really soon. Currently there is the lack of a long term strategy and funding.

Mr Wilkinson: There is a problem in introducing the financial issue into this because, yes, there has to be a regeneration strategy, funding for good, helpful support, but just introducing it in the first instance means that someone is saying it is not enough, others are saying they are getting it but not us, and you get all of the—

Q741 Chairman: That is rivalry between groups, or jealousy between groups. We have had a number of different responses and for some of the victims groups the issue has been about compensation, they want compensation for their bereavement, their injuries, whatever it is; others say it is not the compensation, it is just recognition that these victims are a group in society that has suffered. Where would you put that balance amongst the victims groups that you have experience of?

Mr Wilkinson: Where there is a lack of other services people will look to the issue of compensation because it is a practical way of saying, yes, something has happened and here is the practical recognition of that, so it did happen. That is the main significance of money, but it goes beyond that—and if there are medical or other needs an individual has then financial compensation can be significant—and for me the issues are acknowledgement, are ensuring that what has happened to that person does not happen to someone else in the future. Those are also very big issues and in my opinion bigger issues than that of financial compensation.

Mr Wilson: Can I put the question the other way round? I think what comes across frequently in discussion is people saying however much compensation is necessary—and I would not want to demean the level of compensation—at the end of the day you cannot put a value on a human life and that is why there are psychological/recognition issues apart from the point that I was making about trauma, that is why they are so critical.

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Professor McClelland: On the health side it is worth noting that unlike some countries that have been traumatised by civil conflict, we are quite a sophisticated society in Northern Ireland with quite a sophisticated health and social care infrastructure. That said, 30 years of civil conflict have contributed to the mental health morbidity of this community; there is at the present time a review of mental health and learning disability, and it is most important, particularly in the face of an effective moratorium on spending, that the mental health reform, including responding to the trauma needs of victims, is properly resourced and addressed. I do feel that a lot of the material needs of people can be met by adequate and proper resourcing of our health care system appropriate to the needs of the people of Northern Ireland, rather than a separate system to meet the needs. Those provisions need to be strengthened.

Q742 Mr Clarke: Another suggestion that has been put to us is that there is plenty of money, there is plenty of resource, but it is going to the wrong people and that in many cases today money seems to have filtered through to the perpetrators, not the victims. How much do you feel that victims groups themselves have been politicised in being, perhaps, not totally representative of victims but representative of a different opinion of a victim, in as much as in a small society like Northern Ireland everybody can be a victim?

Mr Wilson: There is a phrase that an Israel social psychologist uses about the Middle East where he says the reason why it is so intractable is because there is an endless struggle for the moral high ground of legitimate victimhood, and there is no doubt that that struggle continues in Northern Ireland. One of the difficulties in this whole area is that even though the group I represent is dealing with the past in Northern Ireland, history is not just the past and it is not even over yet. So there is a kind of struggle being waged and it is not the case that the average person who was just in the middle of a car bomb in the Seventies is going to be in a victims group. I do not mean that in any way to de-legitimise the groups or to say anything at their expense, but it is to say that clearly in a society which is heavily dominated by political and paramilitary elites, who have had very strong ideological battles with each other, this area is not going to be immune from that, sadly. That is all the more reason why we have to at least ensure in this area, if not more generally, some kind of sense of a set of moral values that will apply to everybody concerned.

Mr Hamber: My view of it would be that the issue is that all of these people were victimised because of the political context, and that is where they are different to road accident victims or other individuals. They were victimised because there was a political context which was somehow, for a whole range of reasons, not working, so to expect them not to be politicised, in my opinion is inappropriate; of course it is going to be a political

fight because the politics is what led to their victimisation. I think the difficulty we have there, if I understand what Robin was saying, is that without a conducive broader political environment you see small fights being caught up within victims groups, so that is where you need everything to be working. I do think that the battle around the victimhood would decrease if, at the top level, politicians were able to find a way to resolve their issues.

Q743 Chairman: Can you help?

Mr Hamber: Optimistically.

Chairman: Actually Mr Wilson almost said it all when he said the past is not over yet.

Mr Clarke: Let me try and be a little bit controversial on purpose, in as much as the South African model recognised that ex-combatants, post conflicts, needed work to do and were employed in the police force or as security and/or as villains, that is the way they went.

Mr Campbell: Preferably not robbing banks though.

Q744 Mr Clarke: In this community there is a feeling that quite a lot of the ex-combatants are themselves politicised in community works, working for groups which are themselves supposedly supporting victims. Should there not be set criteria that look at the cross-community work that organisations do before suggesting that they are a good potential candidate for funding, because there are a lot of single community groups that in many ways are being given money aimed at helping victims who are really continuing to drive communities apart.

Mr Potter: I think there is a fundamental problem in trying to draw conclusions from other contexts in that the conflict is not over yet and also the past is not agreed, from contexts like South Africa or those in Latin America where the truth process has been taking place. The majority of people in Northern Ireland simply would not recognise those contexts because there the state was seen to be wrong and those fighting the state were seen to be right, and those transformation processes are different to those here, there is an attempt at agreement here rather than one winning over the other. For example, I would be extremely surprised to hear of a victims group made up of ex-security forces getting funding in South Africa, whereas one would expect that to happen here. I think that is a fundamental problem in drawing some of those comparisons. On the role of victims groups themselves, because there is this uncertainty there is a huge amount of fear amongst those who have been affected by the conflict, particularly by ex-security forces but also people generally, in that the majority of people in the research that we carried out had not accessed any kind of help from the state at all, and for some their only point of contact for help or support was through victims groups. It is this access point that gives a lot of victims groups that want to be political a lot of help. At the same

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time we have a victims group that can access up to 2,000 people in the rural area that we think have been directly affected by the conflict through the loss of somebody, and yet they cannot afford to sustain one outreach worker.

Q745 Chairman: Who are you talking about there?

Mr Potter: West Tyrone Voice.

Mr Hamber: My view on the question you are raising is that in an ideal world I think what one would want is that all groups are engaging in genuine cross-community work. If we speak with them, what they say is that they often have to go through some of the local processes before they can engage in that sort of work. There is no doubt that there are some that get stuck in the single identity stuff and that that makes the situation worse, but there is also no doubt that there are some which move through that process, so for me the issue is more about how we monitor and evaluate the development of the groups, it is about saying what is your long term plan; you might start like that but you plan to move, rather than saying you absolutely have to start at this position, because I think that some would not be ready to do that.

Q746 Mr Tynan: Some of the individuals who have given evidence today have indicated that they are very aggrieved about the whole issue because they have been victims, and they feel that as far as being victims is concerned they would not want to see someone coming and giving the truth and then simply walking away. How do you see the situation as regards the truth recovery process, do you think it should be focused on individual events and individual responsibility or should it be wider on the wider truth about general practices and institutional responsibility?

Professor McClelland: That is a big issue, and I will just start this and others can come in along with me. As you will probably be aware, the Healing through Remembering Project looked at this area through a consultation process and looked at what people wanted in relation to dealing with the past, and the issues surrounding truth recovery; it was probably the one on which there was the most said but equally quite a lot of difficulty and tension around it. Coming out of that you can see that truth has many meanings and significance for individuals; it can be knowledge about what happened and I think for many people and many victims and survivors it is just about that, to know what happened, for example the disappeared. I think an important part of truth work is about getting facts, but a second part is personal recovery rather than just information and with that I think there is a major issue about acknowledgement. Certainly, in our work we are very much of the view that the acknowledgement embraces a wide sector of society, that a lot of people have been involved, either through omission as much as through commission, and there is a need for a wider social engagement in terms of responsibility for the acknowledgement process. An example would be

the Methodist Church's own thoughts about doing some work on its own contribution corporately; I think when it comes down to direct acts of commission it is probably unrealistic to find individuals signing up to direct acknowledgement, particularly in the present context at this moment in that history. I do think there would be a belief—including the responsibilities of all the Governments—that there is ownership of our corporate contribution and that all society, including the media, including health, we have all played our part in different ways of not responding, or failing to respond or actually not adapting the responses. I think there is a large corporate responsibility here.

Q747 Mr Tynan: In the circumstances of Northern Ireland do you think it would be acceptable to forego the likelihood of legal justice in order to obtain the "truth"?

Mr Wilson: In terms of South Africa that is not a premise that we should assume to be a pre-given one because it arose from the balance of power in South Africa and those particular circumstances, but if I can put it the other way round you could say that no one should have any restriction placed on their right to receive justice. We are now all covered by Article 2 of the European Convention and the Human Rights Act 1998 which guarantees the right to life, but one aspect of guaranteeing the right to life is to ensure that people have a right to pursue, through the courts, and secure the punishment of, people who have abrogated that right to life, and that should not be sacrificed in the name of some wider political goal. But we are not in the situation where we have to talk about serious immunity anyway, as Roy says frankly, because a lot of the perpetrators, even if they had immunity, still would not tell the truth in a way that would be recognised. So I think we should not assume that the only vehicle in all of this would be some kind of truth recovery process as against, for example, the effort that is going to be invested in the unsolved murders that the Police Service of Northern Ireland is pursuing.

Mr Hamber: Speaking from the South African context, one of the problems of this whole debate has been that because the South African model has received so much attention there is a view that somehow this trade of truth for justice is central to a truth commission type of process, and it is the only country in the world that has done that. Our research—speaking with my Democratic Dialogue hat—shows that there are a lot of people conflating the ideas of truth and justice, and actually what we need to do is find a way to somehow try and separate them and not think about the idea of a truth mechanism as having to absolutely forego the right to justice. I think that also then links with a bigger problem which is that one will never find a model which will deal with all these issues, so you might want to start with talking in the sense of institutional type of processes—the various institutions, what are their responsibilities? That

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should not be set up in a way that precludes the potential that as time unfolds and as the legal context changes you might find it appropriate to have a more individual process, or if the process goes positively there might be some way that people start to feel that that is not necessary because their needs have been met through some other processes. For me, therefore, it is quite important not to think about one mechanism that will be the be all and end all, this is the one thing that one is going to set up to do it. If you look at every single context, there are mechanisms which are before and mechanisms after truth Commissions for example. In South Africa there were three commissions of inquiry, big commissions, before the truth commission, then there was the truth commission and now there are debates about prosecutions. If you look at Chile it is exactly the same example: there was a truth commission and various prosecutions, now there has been a big commission on torture and now they are prosecuting Pinochet. These are very long term processes and that is horrible to say, but that is the difficulty of structuring something like this. One needs to think of what is the next step, but not use that to close what might come after that.

Q748 Mr Tynan: So the position in Africa was different from other countries in giving immunity to people who were guilty of crimes.

Mr Hamber: It was different insofar as South Africa gave immunity at the moment of giving the truth, so that you could only get your amnesty if you were deemed to have told the truth, with all the difficulties that come with that, and that was built into the truth commission process. It is not unique in the sense that there are many other conflicts which have given immunity; the El Salvador truth commission did a whole investigation, raised a whole lot of issues and the Government passed an amnesty shortly after the primary report was published. That sort of thing is problematic, obviously, but if you have this mechanism of truth for justice built into the truth commission, on one level I think that is problematic because of questions of justice—I am not saying that in our conflict that was not necessarily correct in terms of our political arrangements, perhaps that was the maximum amount of truth one could have got out of that.

Q749 Mr Tynan: What could a truth commission do which a combination of adequately-funded grassroots projects, academic studies, public inquiries, piecemeal institutional reform and criminal prosecutions could not? Is there any difference that you see about what a truth commission could do that those could not?

Mr Hamber: The main difference is that a truth commission gives official acknowledgement, and however one manages to achieve it there is some sort of consensus which is achieved about acknowledging what has happened in the past, and that comes from the highest levels—whether that is through apologies or statements of

acknowledgement or even just all signing up to the final report, it gives that sense of officialness; you do not get that in other places. The second thing is that if they are run properly, they are well-resourced processes where there is a pooling of energies, pooling of resources, pooling of information, and I think that that is more difficult if it is disparate. Those would be the two things that I would say that could potentially offer that others could not.

Professor McClelland: The reality is that on the ground at the minute in Northern Ireland a considerable amount of effort and local initiatives are going on about story-telling and so forth. These are extremely important, but in a sense there is an absence of broad civil recognition. Like acknowledgement, I do think we need a high level societal process that brings all this together.

Mr Wilson: If I can give a concrete example to Mr Tynan, we need to have something that can go into the history curriculum in schools, that is a useable past for Northern Ireland, so that everybody will have the same books across the different school systems. As you probably know there is in theory a core curriculum for history in schools, but in practice the Protestants do the Blitz and the Catholics do the Famine; what we actually need is a situation where there is some common history. Someone has got to direct that, and one of the things that a Commission could do is to say here in broad outline is our understanding of a useable past for Northern Ireland. A number of groups went to South Africa a few years ago and Nelson Mandela kind of berated them because they were arguing with each other about the past, and he said how on earth can we envisage going somewhere together if we cannot agree on what the past is. That is the problem, that is why we cannot get out of the deadlock we are in because there is not agreement about the past, so we will not actually be able to establish a workable future until we have a useable past and one that we can communicate to our children. One of the problems that parents have in Northern Ireland is what they tell their kids; what do you say as to why you cannot play in that kind of area without resorting to saying there are bad people there and therefore just contributing to exactly the kind of sectarian stereotyping we want to try and avoid? These are the practical problems that we need to be able to deal with.

Q750 Mr Tynan: In your view would a truth commission now be divisive?

Mr Hamber: I think there are so many contingent factors linked to it. I think it depends on how that process comes into being, who actually sits on it, what is the mandate of that process? All of these things are going to be important factors; how do you actually select the types of commissioners that go into this process? If that is not a public process that everybody feels signed up to, it is sunk before it even starts and it will probably be divisive. If you cannot get all the major political parties around the

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table to agree that this type of process is actually helpful, it is going to be sunk from the first step. If you said to me you could deliver a well-resourced, independent process which has the buy-in from all the various communities, I would say I think it probably would be quite a useful thing. Where it would be divisive is probably all communities would find what actually comes out in the end fairly annoying, which was the South African example, nobody seemed to leave it feeling unscathed, so if you do all that right you are probably going to annoy everybody but you are probably going to create a whole lot of grey areas which I think is the essence of changing the nature of conflict, when people realise that the past was more complicated than actually what they thought, it was not just black and white. For me, therefore, there are so many contingent factors; in some senses I think it is quite helpful to begin the discussion by saying what are the obstacles to this process and what would be our short term gains that we could deal with in terms of the obstacles? How do we get consensus? How would we discuss questions of mandate? How would we discuss who would be on this process? I would start by breaking it down rather than setting up the big process at the end and then see how one goes on that.

Mr Potter: There is a lot of scepticism within the victim sector itself at the moment as to whether a truth commission or a commission dealing with the truth is to be imposed without consulting them. There is a lot of concern that that will have a form of something like the South African commission, which is widely viewed as being set up to discredit apartheid; whereas if a similar thing was set up here to discredit the British Government or the Stormont Government obviously that would not be favourable to a lot of people. The other problem is that the example they have so far is the Bloody Sunday inquiry which has been described as an extremely expensive argument. There is a lot of scepticism again that that will not resolve anything, and that is for a significant incident but just one amongst many incidents.

Mr Wilkinson: I am worried that it would be very divisive at this point in time. It would take a number of years, in my opinion, to get to a stage where the process that you are hinting at might be of some use here, and the two things for me would be, one, that it would have to be set within the context of a number of other initiatives that would complement what it is you are talking about. We find from our Healing through Remembering work that for some people this idea of truth is very important, but for others it is the opportunity to tell their story, so it is the story-telling initiative, for others it is a way of remembering—this is where it is contentious—a day in the year when we could collectively remember the hurt and the pain and so on. There are a number of complementary initiatives, therefore, that would have to take place alongside this issue of a truth-finding process, but the most difficult one and the one we are still struggling with is that of acknowledgement. The

base on which all of this could have some meaning is one where there is acknowledgement by all of us of what we have done and what we have failed to do, of what we have said and what we have not said, that we would begin by acknowledging as a society the contribution, to whatever extent admitted, there has been to the pain and suffering of all and that all have experienced. On that base we can then begin to have these other initiatives, but without it I think it is going to fail.

Mr Tynan: Thank you very much.

Q751 Mr Beggs: Is remembering always therapeutic?

Professor McClelland: That is a challenging one, is it not? I think the way that we have come at this through the Healing through Remembering Project is that remembering—and my goodness we are good at it in Northern Ireland—is not an option, it is a fact, it is a reality. The challenge is to try and find alternative ways of remembering and dealing with the past and trying to come to, as Robin was suggesting, a common understanding of history. Of course, forcing people to rake up issues from the past can be quite traumatising, and we know that there is all sorts of evidence that inappropriately managed trauma just exacerbates it, it does not heal at all. That said, there is a social science and a psychological science that helps us to understand how remembering can serve good purposes, and I think in terms of the broader society difficulties, particularly this issue that we were just on a moment ago about truth and remembering about the past in terms of truth, the issue of acknowledgement seems to have gained the greatest degree of social agreement because that tends to place the victim in a more acknowledged position and moves them up instead of being in the down position, as many of them feel. I think that that kind of remembering, therefore, is a very important societal healing process.

Mr Hamber: If I could merely add that in the South African truth commission they had this advertisement which used to advertise the commission and said “Revealing is healing”. I think that that was hugely problematic because revealing is simply not healing by itself, it depends on who you are revealing it to and what they do with that information, how they hear it, what type of context it is used in. For me that then goes back to the environment in which one embarks on these things; if we are thinking of the story-telling process, you cannot just have that as if it is something which is just separate from society, that victims tell their stories and they will feel better. That is not the case, they will only feel better if they are feeling heard within their society, if that information is being used properly. So I have no doubt that there is a very big role for this type of remembering and talking about things being therapeutic, but it is about that context. I would throw in, like my colleagues, that what certainly the Healing through Remembering report found was that maybe acknowledgement was the first step to

28 February 2005 Mr Michael Potter, Mr Brandon Hamber, Professor Roy McClelland,
Mr Oliver Wilkinson and Mr Robin Wilson

starting to get some of that environment sorted out, that makes that part of it better or more therapeutic.

Q752 Mr Beggs: If it is too early for a truth commission, or if a commission is just inappropriate, how is the “past” to be confronted and what are the predictions for “reconciliation”?

Mr Wilson: If I could slightly turn the question around, Mr Beggs—I am sorry, I am sounding like a politician and if somebody here was Jeremy Paxman they would say “Just answer the question.”

Chairman: We do not mind you sounding like a politician, we are rather fond of them.

Q753 Mr Campbell: As long as we do not ask you 13 times.

Mr Wilson: One of the problems is that we always get to this point in the discussion and people always come and say “We would like a truth commission, but just not yet”, and we need to look back at why we react that way. I think the reason why we react that way is that there is a kind of sense that the issues that need to be addressed in the context of something like a truth commission are not being addressed as yet, and it is those we need to tackle. It seems to me that one of the ways of dealing with that is to say okay, let us go back to the victim-centred point, that what we do now is not just have the story-telling business that has been going on already, but as Brandon was kind of saying, the story-listening process—in other words, some way that the people who have told their stories and will yet still tell their stories can be sure that those are being collated officially, recognised and given some status, which has not hitherto happened to them. Secondly, those stories could be the basis, among other things, for the work of some commission, whatever it be called, which would look into the past, and that would be a much more helpful raw material for the commission, much more victim-centred, than if it is simply inviting, say, all the parties and all the paramilitaries to say what their view on the past was. Thirdly, one of the things we need to think about, which is actually a positive in this equation, is that quietly over the last 30 years or 40 years academic debate on Northern Ireland has changed dramatically. There is now, frankly, hardly anyone, be they historian or social scientist, who would give a conventional unionist or nationalist view of Northern Ireland’s history and society, there are very, very few. There would be a lot of consensus, for instance, that the

nature of the conflict in Northern Ireland is an internal conflict rather than one that is caused because the Republic has got demands on the North or because of British imperialism. There is no reason why you could not have, I think in the not too distant future, some commission which would use the story-telling and so on as the raw material but would also bring to bear this huge body of academic expertise, with an academic person in the chair, and say okay, let us put this across to a wider audience and let us not go on with the narratives that are just completely out of date.

Professor McClelland: Can I just add that around this side of the table there is quite a lot of experience on the ground of studying the very kind of issues that you are rightly pointing towards us. I have come into this absolutely naïve, as an academic psychiatrist working in the mental health field where everything seems much more predictable, despite how unpredictable it actually is on the ground. I have to say that I am convinced over the work—and our funder who looked at what we were doing looked very critically at what our initial outlook was, the initial project, and they came to the conclusion that the sorts of processes that we were at stand the best chance. It is not a single solution, but we need to focus on the processes rather than on a big bang commission, and our work, being supported by Atlantic philanthropy, based on our ability to work together as a group, has given us additional seed corn funding to enable us to build a platform on running the kinds of solutions, the kind of processes. It is not a single process, and I am absolutely convinced intellectually and emotionally that the only way we can build these solutions that we long for in Northern Ireland is a broad-based series of solutions around acknowledgement, story-telling, reflection and building a network of those who are actually doing this kind of work on the ground.

Mr Potter: I would like to agree entirely with what Roy said there and just add a quote by Maurice Hayes that reconciliation is a not a thunderclap event, it is in millions of small initiatives. There are many organisations in Northern Ireland that are working on those reconciliation initiatives.

Chairman: That is a lesson, certainly, that we have learned in the past two months. Gentlemen, we would like to extend this session for a much longer period—you have been very valuable witnesses—but I am sorry, some of us have a plane to catch back to London. Thank you very much for coming and for your help and your frankness. The Committee is adjourned.

Wednesday 2 March 2005

Members present:

Mr Michael Mates, in the Chair

Mr Roy Beggs
Mr Tony Clarke
Mr Iain Luke
Mr Stephen Pound

The Reverend Martin Smyth
Mr Hugo Swire
Mark Tami
Mr Bill Tynan

Memorandum submitted by Mr Colin Parry

PREAMBLE

Although I am Chairman of the charity which I co-founded with my wife, the thoughts and comments set out below represent my personal opinions and are not intended to be representative of any other person or the organisation itself

Living in England means that my knowledge and appreciation of the situation for the citizens of NI, is not always current and so although my opinions are honest and forthright I cannot be certain they are accurate and up to date.

PERSONAL PROFILE

- Aged 58.
- British [English] nationality.
- Liverpool born and raised.
- Christian [Protestant—C of E]—not especially religious however.
- No known Irish roots.
- Educated to degree level with Honours degree in Politics [1969].
- Career in Human Resources management in Manufacturing sector 1969–1998.
- Self employed HR Consultant 1998–date.
- Father of Tim Parry, killed by the IRA, Warrington 1993.

AN INQUIRY

Morally and emotionally, I support the creation of an Inquiry to examine how best to deal with N Ireland's past. My support is subject to certain practical caveats however:

- (a) that the remit of the Inquiry takes full and proper account of the victims of NI's past who live in Great Britain and The Republic of Ireland, be they civilian, military, security or exiled victims;
- (b) that the Inquiry makes it clear that the armed conflict must be declared by all factions to be at an end before its findings are acted upon. Otherwise the Inquiry's findings and the initiatives it puts in place will be operational at the same time as the underlying violence is still ongoing under the usual cloak or guise of politically motivated action. By supporting this declaration, the various factions would acknowledge that any further violent activities from any side, is entirely criminal and therefore punishable through the normal criminal law process;
- (c) that the process set up to "deal with the past" following the Inquiry has set time limits of its own so that it does not lose credibility through endless drift;
- (d) that the process gives victims/participants a period of three months to submit their indication of wishing to take part; and
- (e) that the process has one single aim—that of creating a climate in which true reconciliation can begin and lead to sustainable peace between the communities.

RECONCILIATION

What It Means to Me

In the every day sense in which I use this word, I see it as a process of bringing people of different and often strongly opposed views closer together in order to enhance understanding/reduce misunderstanding and distrust, through dialogue. In short, reconciliation means narrowing gaps physically and mentally.

For me, reconciliation is the means by which a journey from conflict to a lasting and sustainable peace is eventually secured.

HOW IT CAN BE ACHIEVED

Through Inclusiveness

The essential ingredient is inclusiveness—all parties to the conflict must be invited and encouraged to take part in the dialogue which begins with the question “How are we to move on from our painful past and find a new way of peaceful co-existence?”

People are more likely to engage in this process if they believe they are being listened to and indeed if they accustom themselves to listen too—to the opinions and accounts of all other shades of opinion, no matter how disagreeable they may be.

Through Structure and Openness

I support the idea of creating “People’s Hearings” open to the public where people present what they want or need to say as a means of expiation or personal healing.

If economically and technically practicable, I would also support the proceedings being broadcast via a specific TV or radio channel for the benefit of people unable to travel to hearings at all or regularly because of work commitments or because of disability or for economic reasons

The principle of allowing a set period of protected time and space in which to speak freely without interruption is essential otherwise the process of inclusiveness will be at risk of disorder though unwelcome/unsettling challenge.

Hearings must be chaired and efficiently managed to provide safeguards against potentially damaging episodes of conflict re-emerging.

A strong Chairman* with wide support for their impartiality must be appointed.

- this may, of necessity, have to be an individual drawn from another English speaking country with expertise in the requisite skills.

1 December 2004

Witness: Mr Colin Parry, examined.

Q755 Chairman: Welcome back. As you know, a number of us visited your centre. I still have that on my list to do. I am sorry I could not make it. We are very grateful to you for coming to help us with our attempts to see if there is a way forward in dealing with the past. Perhaps you would like to give us your take on what reconciliation means to you. We had evidence from a person who was very badly injured in a car bomb who said that the title of our inquiry, “Reconciliation: Dealing with the Past”, was more or less a contradiction in terms and included two irreconcilable concepts. We are not sure that we agree with that entirely but perhaps you would like to give us your take on this rather difficult matter of definition.

Mr Parry: I think it is relatively simple. I think reconciliation is merely the process by which you reach a peaceful settlement. People use the terms interchangeably as if they mean the same thing. I do not think they do. I think reconciliation is a process of narrowing gaps, of bringing people together who might otherwise not want to be together as a mechanism for re-establishing relationships, breaking down distrust, warming up the atmosphere instead of it being bitterly cold. That is reconciliation for me and it is not the same thing as peace.

Q756 Chairman: One has never said that. It is whether it is the way to deal with the past, how you put the past behind you, whether by talking about it, by trying to

get the truth out of what happened on all sides and thus reconciling the various opposing factions that have been opposing each other for all these years.

Mr Parry: Some people do not want to be reconciled and I guess we have to recognise they are out there as well. For those who want to see progress and normality of life for Northern Ireland, I cannot see any case for not increasing attempts through community efforts such as the ones I take and my organisation takes or through statutory efforts to make people who are otherwise antagonistic towards each other at least face each other and begin the process of building some trust.

Q757 Mark Tami: There is a tendency to talk about the victims of the troubles as being in Northern Ireland, whereas obviously a lot of the victims are also in other parts of the UK. What do you think we need to do to engage with people like yourself, particularly in the reconciliation process?

Mr Parry: I suppose it is all about equal recognition. Understandably, because of the sheer volume of numbers affected relative to the population, it is not surprising people tend to narrowly focus on Northern Ireland. I do not blame them for that. That is normal enough but when you remember that there are people in the Republic of Ireland and GB who have been injured, hurt or treated unjustly as well it is important that they are not overlooked. There should be an equality of opportunity to be heard and listened to.

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Q758 Mark Tami: Do you see there is a gap there?

Mr Parry: I know there is through the very fact that we have the legacy programme which the Northern Ireland Office funds. We know absolutely certainly that British based victims of the Northern Ireland troubles very much feel like they have been forgotten, that they have never had a serious opportunity to have their views considered. It is not an opinion; it is a fact based upon hard evidence.

Q759 Mr Clarke: I am trying to get my head around what role victims should play and what role victims may want to play in this future reconciliation process. You will know more than most that there is a difference in the way that victims of the troubles want to deal with what happens to them. Even in Warrington between yourselves and the parents of Johnathan Ball, there are different ways of dealing with the past. What role do you think we should be asking victims to play in putting together this reconciliation process? Should we only do it by invite? Should we do it by waiting for those to come forward who want to? How deeply do we need to go into that in terms of trying to involve victims in putting together this process?

Mr Parry: The problem is you have victims who will have 101 different approaches to their needs. Some victims will not want to speak to anybody at any time; they will simply want to forget, put it out of their minds and try to rebuild their lives. Then you have people like me who choose to become active. You have victims who perhaps even want vengeance of some kind. There are multiple types of victims. For those victims who have a willingness to be active in the building of peace and who want to be involved—I do not know how many there are—they need to be given a menu of choices. They need to be asked, perhaps from a cafeteria style list, if the peace process was to become multi-faceted, which areas would you want to put your input into. Would it be, for example, sitting face to face with former IRA terrorists, as I would be prepared to do? Many would say, “Good God, no.” There might be people who are victims from the Unionist community who might well be more than happy to talk to victims from the Republican community, neither of whom have had any paramilitary activity in the past. They might be happy to be with each other on a like for like basis. Until people are asked in a way which gives them serious choices to make, I do not think we will ever know. The questions themselves are terribly important because if they do not have any shape or form then most people would not have a clue what to say or do.

Q760 Mr Clarke: In many ways we do not. We are still searching, trying to understand what true reconciliation is. One of the dangers is if you talk about getting to the truth. That could include people having to revisit the crime, having to think quite deeply about who perpetrated the crime, meet those people and get from them the truth. Is there a risk that for some we are going to victimise the victims because we are almost going to force those who want to take the view that they want to put it behind them to look

back? If the truth and reconciliation process ends up with lots of individual statements by terrorists who have committed acts against individuals, it is going to be difficult for a victim who so far has said, “I do not want to deal with that” to not look when the truth is coming out. Can we victimise the victims?

Mr Parry: I do not think you would victimise them but you might well have them revisiting the past in a way they perhaps did not want to. Probably 99.9% of people who were terrorists, if there was an open forum, would come forward to give their reasons for doing what they did and no doubt portray themselves as being victims. You would probably get a far lower %age of victims if you classified people like me coming forward, because for all sorts of reasons they would be afraid to do so. They may not feel they know enough about the history of the problem or they may feel they would not be treated seriously or with equal respect. The whole business of making it an honest dialogue, a forum where you will be listened to, even if your views are unpalatable, is the only option. I cannot see any other way of rebuilding trust between communities. I do not live in Northern Ireland but as I understand it, in many ways, things are becoming even more segregated and separated than they were in the days of daily bombings and that is quite frightening. Time goes by. I know this bank raid has caused amazing problems for the peace process but even at the time of the bombing in Warrington I was made aware of the fact that the government through conduits was talking to the IRA. Many people expected me to be shocked by that. Despite my grief, I was pleased about that because I think the government has a duty to be speaking to people, if not directly, at least through honest brokers.

Q761 Reverend Smyth: As I understand your evidence, you support the idea of an inquiry. What are your views about a truth commission?

Mr Parry: I suspect that a truth commission, if there was to be one, would only really have a chance of having any credibility if and when there is a declaration by all antagonists and protagonists that “the war is over”. To even countenance a truth commission before then would be foolish and it would rapidly become seen as a pointless exercise. In the event that there was destruction of weapons, the IRA and the Loyalists stood down, then the ultimate piece of the jigsaw might well be a truth commission. Imperfect though it was, it does seem to have been treated mostly as positive in South Africa, so far as I know.

Q762 Reverend Smyth: In the light of our experience both with the judicial criminal investigations and also public inquiries, do you think a truth commission would present anything more?

Mr Parry: Without being fatuous, only if people were truthful. If people went into it genuinely to tell the truth, we would learn a whole lot more. I would find out, for example, who planted the bombs in Warrington, I guess, not that I really want to know, but that is another issue. If people went in and said, “I want to bare my soul for my mental wellbeing and for me to become a different person to the person I was”

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on the basis of some kind of amnesty and there is no risk of criminal prosecution any longer, they would tell the facts as they were.

Q763 Reverend Smyth: In the light of that answer, if there is no risk of criminal prosecution, would you think that a truth and reconciliation commission which had the power to grant amnesties in exchange for the truth would be acceptable?

Mr Parry: I am sure it would not to many people. You are almost looking for %ages. I think it would to many but equally it would not to many. I guess it would probably be a close call but nonetheless those who have maybe invested more time and effort in building bridges themselves—this is me making an assumption here; I could well be wrong—and people like myself would say, “Yes. A truth commission without amnesty would be a pointless exercise.”

Q764 Reverend Smyth: Is there a role for a victims commissioner?

Mr Parry: Only if a victims commissioner had the power of authority and the budget to do things that victims felt they were entitled to. My experience of victims I have met—and this is a wide ranging view of many people in the country—is that the criminal seems to have many support mechanisms and people fall over themselves for them but, after the local newspaper has gone away and the nice little lady has brought you a cup of tea, as a victim you are left to yourself. That is the feeling whether it is ordinary, routine crime or terrorist crime. Most victims feel a sense of loneliness and solitude so a victims commissioner who could in some way meaningfully do something for those people—I am not talking about writing cheques out—could be very useful, but if it is just an appointment as a palliative to stick a plaster on it, no.

Q765 Chairman: If the person who planted the bomb that killed your son came in front of whatever body and said, “I did this and at the time I thought it was right”, would you be content that he was not prosecuted? If you do not want to answer that I quite understand.

Mr Parry: I will answer it. I would probably have chosen a different word rather than “content”. I would accept it for the greater good, if it was part of a process that was genuinely making progress towards a final resolution of this awful sectarian violence, yes. I would not be content.

Q766 Chairman: I chose that word wrongly. You would accept it?

Mr Parry: Yes.

Q767 Chairman: Let me put a hypothetical question. If the person who had planted that bomb that killed your son had been convicted and gone to jail, had come out like the Brighton bomber and said, “I do not regret doing that; I did it because it was the right thing to do. I am sad that one or two people got killed on the way who were not the target”, what would you feel about that?

Mr Parry: I would have no expectation that he and I would ever become chummy or friendly because his politics and mine would be light years apart.

Q768 Chairman: Do you not see that that sort of attitude which quite a number take would be counterproductive in trying to get this reconciliation going and might move things backwards?

Mr Parry: It could well offend many people but if that is the truth of Magee’s position it is better if he tells the truth, if that is what he feels. I have met former IRA men who have said much the same. Yes, the victim was not the target but it was collateral damage, one of the lovely expressions bandied around these days. I am sure Tim would have been seen as collateral damage. Whilst it is offensive to have my son classed as collateral damage, I saw the prisoner release process as part of the Good Friday Agreement as being absolutely essential. I accepted that the position that both governments were taking, that without prisoner releases there would have been no deal. Mo going into the Maize and speaking to our friend Stone who shot people in the graveyard was politically a very brave thing to do. I wonder whether the political process has been too slow to take some risks in recent years and that is why the whole thing is becalmed, leaving aside the fact that on the ground things are perhaps becoming more divided. I think politicians sometimes have a duty to set the agenda more clearly and try and persuade. You have to act as persuaders. People like me can back you up at the level of the community. It is where we close the loop. If there are enough people on my side working with people on your side, we can collectively make a difference. If a victim like me can be seen to be positive about the process, it carries some weight I believe, not because I am being arrogant but simply because I lost a child and therefore if I can say, “I will take those steps to meet the person who did it” it has moral value.

Chairman: I think everybody would agree with that and your attitude is wholly admirable.

Q769 Mr Beggs: We have received evidence suggesting that this is not the right time for a formal truth process. Would you agree with that?

Mr Parry: Yes. For the reasons I mentioned earlier, without an end to the military campaign, the idea of a truth commission now would be a waste of people’s time.

Q770 Mr Beggs: Could it be more divisive to open up discussions about reconciliation and ways of dealing with the past in the current political climate?

Mr Parry: Absolutely, yes. A truth commission is not the only mechanism available. The kind of work that we do, which is nothing to do with a truth commission, is invaluable in bringing people from different communities together and getting them to talk to each other in a very simple way. It is nothing sophisticated. You just get people sitting in the same

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room, telling their stories and, bit by bit, you salami slice away some of the tension. It is a very simple process but it actually works.

Q771 Mr Beggs: Would a process in which some key parties refused to engage be of any use?

Mr Parry: I do not think the process should be abandoned simply because some refuse to come to the party. In the business yesterday with the Prime Minister, I believe the Israelis stayed away but people would accept that it is important to get the Palestinian leadership here and to begin to set the scene in readiness perhaps for the Israeli administration to take part. Even though people from Northern Ireland

may choose to stand outside for a while, if there is evidence of progress the doubters and the people who might be negative may be encouraged to take part. There has to be some movement somewhere, even if it is not perfect.

Q772 Chairman: Mr Parry, this has been enormously helpful to us and I cannot repeat how much we have all been impressed by the way you have handled your tragedy. I repeat my wish that I should come out.

Mr Parry: I hope you do. I will keep chasing you.

Chairman: You do not need to chase me. That is a promise because Christine is also chasing me. We will be there as soon as we can. Thank you very much.

Memorandum submitted by Dr Marie Smyth

WHO ARE THE VICTIMS?

1. Analysis of deaths in the Troubles shows the differential fatal impact of the Troubles geographically, by age, gender, religion and occupation. The analysis also shows who was responsible for these deaths.
2. DEATHS in the Troubles.

1969–1989 (*McGarry and O’Leary*)

Paramilitary killings of civilians = 44.2% of all deaths.

The war between Nationalist paramilitaries and the security forces = 34.8% of all deaths.

Internecine conflict and self-killings within paramilitary groups = 6.7% of all deaths.

The killing of Catholic civilians by the security forces = 5.3% of all deaths.

3. COTTS ANALYSIS

Time

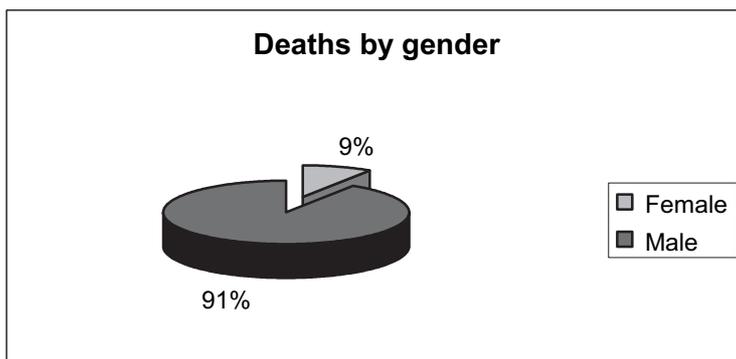
Worst year was 1972 when 497 people died, roughly 14% of all deaths; deaths concentrated in early years of the Troubles.

Age

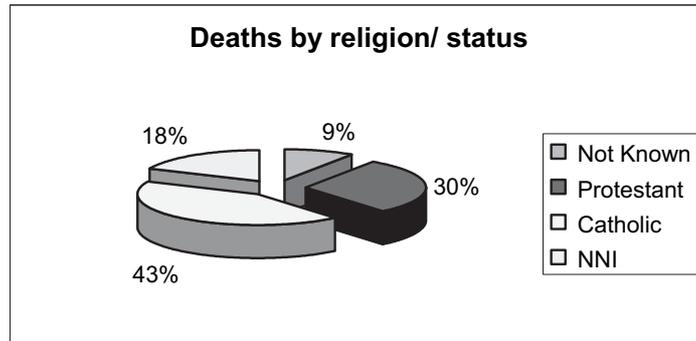
Death rate peaks in the 19 year-old age group.

Gender

91.1% of all deaths are male; 8.9% are female.



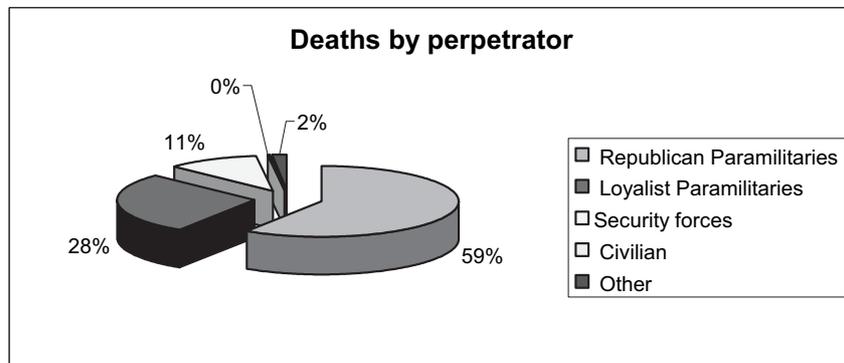
Religion



Deaths Rates By Religion (per 1,000 Population)

	1991 Census		Average 71, 81 & 91	
	C	P	C	P
Civilians	2.48	1.46	3.01	1.26
Civilians + Security	2.5	1.9	3.1	1.6
Excluding "Own" Deaths	1.9	1.6	2.3	1.4

Deaths by perpetrator



Geographical variation

Areas of high concentrations of deaths: North and West Belfast, the border regions, the Portadown triangle.

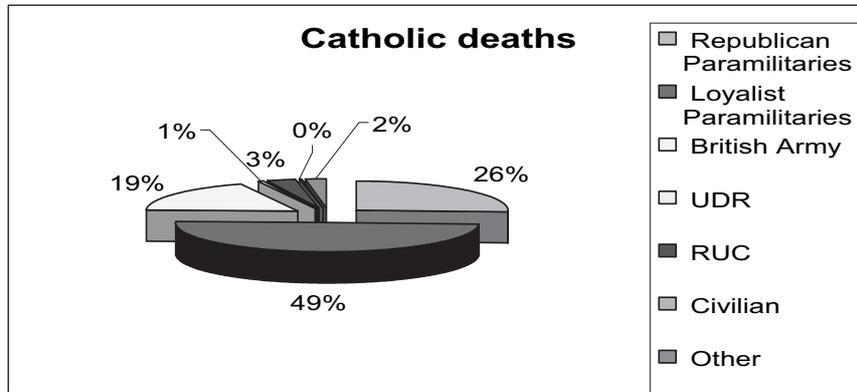
Northern Ireland overall death rate = 0.22%;

for example: the Ardoyne death rate = 2.2%;

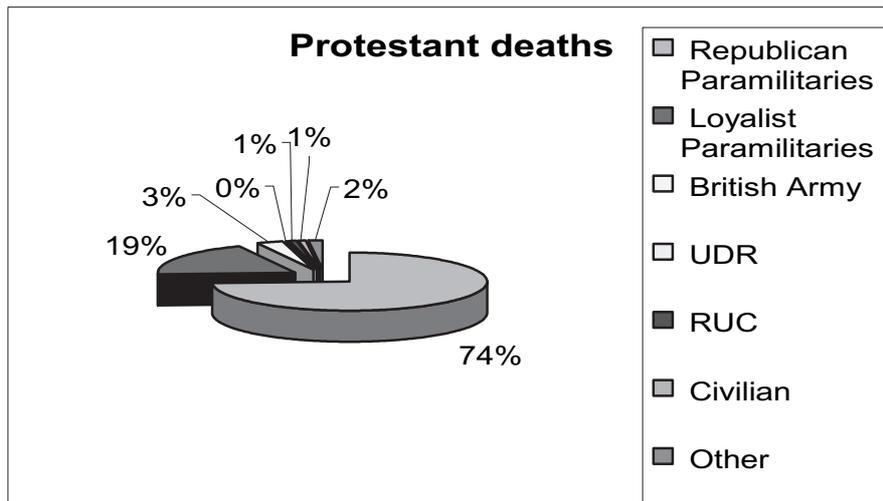
- If Northern Ireland overall had the same death rate as Ardoyne, between 33,000 and 35,000 people would have been killed;
- if the UK had the same death rate as Ardoyne, 1,064,320 people would have been killed;
- If the Troubles had happened in Scotland and had the same death rate as Northern Ireland, 11,244 people would have been killed;
- If the UK as a whole had had the troubles at the same death rate, 106,432 people would have been killed;

PERCEPTIONS OF THREAT

Who killed the Catholics?



Who killed the Protestants?



3. This analysis challenges some of the popular assumptions about victimhood in Northern Ireland.

Culture of victimhood

4. There is a comprehensive culture of victimhood in Northern Ireland, with a majority of people feeling like victims, laying claim to victim status, and few if any identifying as perpetrators. This culture provides a major obstacle for reconciliation.

5. This culture leads people to look for solutions outside themselves and their community, to have high expectations, which are often disappointed thus compounding the victim position.

6. People are rarely purely victims or perpetrators, most of us have not led blameless lives in that we have at least harboured thoughts and desires that are less than charitable or reconciliatory, and few of us have escaped unscathed from the conflict in Northern Ireland. Therefore it is divisive and simplistic to divide people into simplistic categories such as victim or perpetrator. Reality, and we, tend to be rather more complex.

7. Victimhood is also often politically appropriated, and victims' cases used to further the interests of various political interests. This is partly because of the moral authority that is associated with victimhood, and the desire to exploit that authority is irresistible to some. The moral high ground is the most overcrowded political turf in Northern Ireland.

Purpose of dealing with the past/truth recovery

8. For this reason, it is crucial that any attempt to deal with unresolved issues of the past are grounded in a clear understanding of the irreconcilable nature of the losses sustained in the Troubles.

9. In our desire to be helpful and caring to victims, we obscure that basic truth. It seems cruel to point out that the loss sustained is irredeemable, that nothing will bring back the lost loved one, the lost livelihood, the lost home. Yet, only when the pain of the permanent nature of the loss is lived through and not avoided, can the prospect of healing and recovery present itself.

10. We need to be clearer that the needs we serve are not our own needs to feel less powerless in the face of human misery and loss, but rather the needs of victims to have their anger and pain witnessed, and their reality confirmed. For those of us who help, we must learn to live with the pain that there is no “fix”, no remedy, only compassion, and a gradual accommodation over time. And some are able to turn the leaden weight of suffering into positive, creative artworks, human endeavours—what the Cambodians called “positive revenge”—not allowing the perpetrator any more control over your life, but triumphing in spite of what has happened.

11. As a culture, we are very uncomfortable with anger, yet victims are understandably and legitimately angry, often requiring no more than to have their anger heard and validated. A better understanding of and insight into the valuable place that anger has in recovery would greatly improve policy and practice with victims.

Reconciliation

12. It is necessary to review the overall aim and direction of reconciliation work in Northern Ireland. In the past, it has carried a moral cachet, and has been identified with do-gooders, religious movements, rather than something that is an integral part of citizenship. We need to move from a situation where community relations work and activity is a minority pursuit, to one where community relations work, including the practice of respect for and protection of minorities of all kinds is the universal duty of all citizens.

13. Previous strategies have suffered as a result of the apparent lack of challenging leadership within communities. Political, community and church leaders have shied away from challenging racism or sectarianism amongst their followers. An initiative aimed at supporting leaders to offer positive challenges might address this issue, otherwise there is the risk of leaders being seen as part of the problem rather than part of the solution.

14. The goals of reconciliation work need to be clearly stated, and related to specific community conditions. What represents progress or achievement in Ardoyne/Glenbryn in terms of community relations is rather different that what might be achievable in the University area of South Belfast, Limavady or the border regions.

15. Benchmarking, and more scientific methods of targeting areas for intervention and evaluating the effectiveness of intervention need to be developed. Public money should not be provided for people to simply mix, but money should be deployed in areas where there are substantial problems with sectarianism and racism.

16. Strategy needs to be sensitive to the need to avoid rewarding sectarianism and racism, and needs to be implemented alongside a vigorous enforcement of the anti-hate crime laws by the police.

17. Public sector organisations should implement a policy of contract compliance, whereby they ensure that all private sector companies that they do business with are equal opportunity employers, have a balanced workforce and maintain neutral workplaces.

18. Lessons from South Africa would suggest that rolling out community relations work into the private sector are crucial to learn. Yet in Northern Ireland community relations are seen to be primarily the duty of the public sector and the responsibility of the non-governmental independent body and the NGO sector. This must be addressed.

Truth recovery

19. There is merit in the idea of a truth commission for Northern Ireland that is a legally constituted, independent, international, non-adversarial research and investigatory mechanism for both victims and perpetrators who wish to come forward and place their experiences in the public domain.

20. The timing of such a venture is key to its success, and whilst the present climate is hardly conducive, preparatory groundwork for the day when the climate is more opportune should begin right away. This should take the form of public consultation about models for the mechanism, its aims and remit.

21. Healing Through Remembering (HTR) make the useful point that the process could usefully begin with an acknowledgement on the part of all the key players of their part in the conflict. Such acknowledgement can “loosen up” the resistance to reconciliation. HTR argue persuasively that governments should provide a lead in this regard, and Prime Minister Blair’s apology in the House of Commons recently was a useful contribution to this process.

22. The purpose of such a commission would be to address unresolved issues in the past, in a restorative framework, in order

- (a) to compile an account of the context of the conflict and the reasons for its initiation and duration;
- (b) to achieve some kind of closure for victims and perpetrators;
- (c) to build confidence in relationships within and between communities that have been damaged by the violence of the past;
- (d) to build confidence in the criminal justice system and the rule of law, through re-establishing some sense of due process being available to people, and reassuring them that any wrongdoing within the system has been addressed;
- (e) to create a collective account of the past;
- (f) to foster greater public understanding, debate and explorations of the reasons for the conflict, how conflict might be prevented in future, using a variety of methods—cultural, ceremonial, emotional, intellectual, in line with the HTR recommendations for a diversity of approaches;
- (g) to assist in the vexed questions of the allocation of responsibility, the discovery of truth, the decision-making about the pursuit of civil and criminal prosecution and the awarding of amnesty;
- (h) to ensure that the mistakes of the past are not repeated.

23. Issues of amnesty for perpetrators should be addressed only after extensive public consultation. This is likely to be one of the most difficult issues. However, in some quarters (Republican) there is a growing willingness to forgo prosecution in return for discovery of truth.

24. It will be important for any mechanism to address the issue of the equivalency of certain actions, and whether certain actions, such as torture or rape for example, are regarded as equivalent to some others, and whether some activities are reserved from any amnesty process, and always prosecuted.

25. It would also be important that the “coverage” of such a commission should fairly reflect the pattern of victimization and damage inflicted during the Troubles, and should pay due attention to the balance of cases it reviews, proactively seeking to include cases in order to achieve that balance. It would therefore cover all killings and adverse events in the Troubles.

26. Alongside this, it is proposed that a range of public inquiries be conducted on a thematic basis, on matters of urgent public concern, such as Republican violence, Loyalist violence, state killings and allegations of collusion, the role of institutions such as the churches, the media, education and so on in the conflict. It is important that the range of themes reflect both communities’ concerns. The legal relationship between such inquiries and a truth commission requires careful consideration.

27. Finally, consideration should be given to a Disarmament Demobilisation and Reintegration strategy for Northern Ireland, to address the issues of continuing paramilitarism, the role of former combatants, the blurring of political and criminal violence, and the need for a formal process under the control of the authorities which draws paramilitarism to a close, and facilitates alternative and non-violent roles for those who participated in it. In the absence of such a strategy, there is a real danger that Northern Ireland will follow the South African pattern where a huge increase in criminal violence followed the ending of political conflict.

28 February 2005

Witness: Dr Marie Smyth, examined.

Q773 Chairman: Good afternoon and welcome. I am sorry that we missed you last week when we came. I do not know whether you were having a well earned break.

Dr Smyth: I was unfortunately not having a break. I was doing something else. I think you missed the chief inspector as well.

Q774 Chairman: He had the ‘flu, yes. We had a very interesting visit but I fully understand that you are not here as part of that organisation. You are just here because of the experience that you have had and because of the work that you have done over this. If you could put a label on who has suffered most as a result of the troubles, would it be men, women, the young, the old, Catholics, Protestants?

Dr Smyth: I am not sure whether the Committee has access to it but I have prepared a summary of the main findings of some of the research I have done.

Q775 Chairman: I am sure we have that.

Dr Smyth: It depends on what we mean by “suffering”. My work was concerned to provide an overview of the impact of the conflict and I used death as a surrogate for other effects. I tested it statistically and I assumed that if the death rate in a particular area was high you could read across and assume that certain other things followed from that, such as injuries, displacement and so on. By and large, I am using death as an indicator therefore. In terms of who has suffered most, it is young people. More 19 year olds have died as a result of the Northern Ireland conflict than any other single age group. Men have died overwhelmingly. 91.1% of all those who were killed have been male. That is not to say however that women have not suffered; rather that the kinds of effects are very highly gendered, depending on whether you are male or female. If you are male, you are much more likely to be killed or injured or to be involved in direct acts of violence, either as a perpetrator or a victim; whereas if you are female you are much more likely to be a witness.

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Q776 Chairman: Or you are much more likely to be widowed or bereaved.

Dr Smyth: Absolutely, or be a carer of somebody who is disabled.

Q777 Chairman: I understand why you have done this, to get a grip on the figures, but surely death is not the only criterion.

Dr Smyth: No.

Q778 Chairman: There are many ways of suffering. There is surviving death and being disabled for the rest of your life.

Dr Smyth: Absolutely.

Q779 Chairman: There is being widowed or orphaned.

Dr Smyth: Yes.

Q780 Chairman: Do you have a feel about which group of society in Northern Ireland may have suffered that sort of suffering more?

Dr Smyth: In order to answer your question I would need a measure of suffering. That is the difficulty. We can sit here and brainstorm over many hundreds, perhaps thousands, of categories of suffering, the psychological damage, depression, loss of home, loss of business etc. We could go on indefinitely, which is really why the work that I have done has focused on a surrogate or an indicator of suffering. I have used death as a fairly unequivocal measure of suffering. First of all, you are dead. There is not much argument about it. I am resisting saying who has suffered most. Let me talk about religion because this is one of the most contentious areas. If we look at the indications we get from the deaths figures, on page two of the handout that I have given you, I will just talk you through that table. I have crunched the figures to look at the comparative death rates of Protestants and Catholics in Northern Ireland. Depending on how you crunch the figures, they come out slightly differently. For example, the first set of figures under the heading “The 1991 Census” looks at death rates derived simply from the population figures in the 1991 census, whereas the figures on the right hand side average the 1971, 1981 and 1991 censuses, since they were taken during the period of the troubles, so the figures come out slightly differently. As you can see, I have also looked at only civilian deaths. I have looked at civilian deaths plus security forces deaths and the last set of figures looks at only those deaths caused by the other community, only the cross-community caused deaths, if you like. No matter which set of figures you look at, the rates for Catholics are higher. It means simply that more Catholics, both in relative and absolute terms, have been killed in the troubles than Protestants but I would be a foolish woman indeed to suggest that that meant that Catholics had suffered more than Protestants because suffering is a very subjective kind of experience. If we take, for example, the current situation in many Loyalist communities, objectively you might say that unemployment figures in a comparable

Catholic community are higher but subjectively the experience in many Loyalist communities at the moment is of deprivation, of feeling that they have missed the boat, that they do not have economic opportunities and that is a very overwhelming experience for that community. It is very difficult to say who has suffered most because it is such a subjective observation.

Q781 Chairman: How much do you think social class and geography affect people’s experiences in the troubles?

Dr Smyth: First of all, in common with conflicts in many other parts of the world, it is true to say that with the exception of the security forces—that is a different set of circumstances—it is poor people who have suffered most, those in the lower socio-economic groups. The security forces have above average income. Therefore, they are the exception to that rule. In terms of geography, I could take a map of Northern Ireland and draw a circle around the areas in Northern Ireland where the death rates have been highest. Those areas are in north and west Belfast, the border regions, the murder triangle around the Portadown area and to some extent Derry or Londonderry. Those concentrations are sometimes quite marked. I have crunched some figures in the handout again in relation to the ward of Ardoyne showing that the ward of Ardoyne has a death rate which is 13 times that of Northern Ireland. I have extrapolated the figures out and applied them to the rest of the UK so you can see what the impact feels like that for that community. If you live in Ardoyne, you have a very particular experience of the troubles. We tend to assume that our own experience is generalisable. It is not. It is very highly localised. Because you live in one area does not mean that the rest of Northern Ireland experiences the troubles like you do. I often say nobody lives in Northern Ireland because there is no such notion that there is a Northern Ireland experience. There is a south Belfast experience; there is an Ardoyne experience; there is a border counties experience and they are not the same.

Q782 Reverend Smyth: You used the term “the Ardoyne ward”. Is this just residents in that ward or people in that area who were murdered?

Dr Smyth: I have looked at both. We have published a lot of stuff and there is not a huge amount of difference in general. Ardoyne may be a little different because you have a relatively high level of security forces deaths there but security forces deaths tend to be concentrated along the border regions for all sorts of other reasons which I am sure you are familiar with.

Q783 Reverend Smyth: I was also there the night two were murdered in the Bullring. I know the area very well. That is why I wanted to know whether it was civilian deaths or everybody.

Dr Smyth: We looked at residents’ deaths and deaths occurring within the geographical area, so a composite of both of those.

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Q784 Mr Pound: I was very taken with the comment that you made about the relatively small number of victims who carry an excessive burden of memory. Do you think we should be trying to share this burden more evenly or do you think that is even possible?

Dr Smyth: Numerically, there is a relatively small number. Obviously the weight they carry in terms of our duty to that small number is enormous. They deserve to have all the support and help that we can give them. There is a duty on the part of society to support victims. However, we have to be very careful about not mixing our needs to be helpful up with the actual needs of victims themselves. The starting point has to be, as I say in the paper, the recognition by all of us which is an extremely painful one of the irretrievable nature of the losses sustained. Nothing we do will make it better. All we can do is look forward from this point on and put in place measures that improve quality of life and that help people face into the pain of the losses they sustain. A lot of the less effective attempts to help victims have avoided, first of all, the irretrievable nature of the loss and—I include myself here -- have exercised a kind of seduction which is, “I can make it better for you.” It is very seductive for me to feel because it is painful for the helper as well as for the person who has been affected. I think it requires courage on the part of those who are helping victims as well as on the part of victims themselves. Only when we begin to think in those terms about services to victims will we avoid some of the worst aspects of the political manipulation of this issue in Northern Ireland.

Q785 Mr Pound: You have talked about the concentration both in geographic and demographic terms and the weight on individuals but do you think the reconciliation process should avoid hierarchies of victimhood? Do you think it is possible or desirable to posit a national sense of victimhood?

Dr Smyth: I would contend that we have a national sense of victimhood, a proliferation of victimhood in Northern Ireland. I often say rather cynically that Northern Ireland is full of victims. It is very difficult however to find a perpetrator anywhere, anybody who would own up to being a perpetrator. There is always a victimhood but very few people prepared to take responsibility for victimising. That makes for a very difficult climate indeed, where nobody acknowledges responsibility and where identities become very polarised. Also, victimhood is used to legitimise violence. I am a victim of British imperialism. Therefore, it is justifiable for me to go out and perpetrate acts of violence against my persecutors.

Q786 Chairman: I thought you were a beneficiary of British imperialism.

Dr Smyth: Or I could claim I was a victim of Republican violence and therefore I am justified in going out and attacking a Catholic or whatever. It is a very unhealthy climate. Victimhood in my view ought to be a temporary state. It ought to be a

staging post on a journey which takes you beyond victimhood into survivorship, into transcending the experience in some way or indeed what the Cambodians refer to as positive revenge, using the experience to increase your mettle and triumphing over the experience, turning it into some kind of positive benefit in a kind of alchemy which many parts of the world have done. We can learn from that.

Q787 Mr Pound: You are well known for your work on transitional societies which has been very helpful to us. Do you think that in the society we are talking about, perhaps compared with others, the sense of suffering and victimhood is used for political ends?

Dr Smyth: It is and there have been examples of people acknowledging that. In a way that is kind of inevitable because if you look at the law, for example, if you look at human rights law in particular, it is predicated on the notion that people have rights and if those rights are transgressed they are victims. Working in the criminal justice system, we talk about victims and witnesses. There is an inevitability about the political life focusing on victims and victimhood. I guess if I were in charge of Northern Ireland, saving the feelings of those who actually are in charge of Northern Ireland, I would idealistically wish to have some kind of agreed protocol between the various parties about how they deal with the humanitarian aspects of victimhood, maybe a code of practice. I am including the media in this because they are not entirely blameless in this matter either. There should not be the exploitation of vulnerable people, because that is what we are talking about, so that they are used to further political causes in the particular kinds of ways that have happened in the past.

Mr Pound: I see in front of me an endless vista of meetings to discuss the implementations of the Smyth protocol between the parties.

Q788 Mr Luke: I am a bit confused by some of the charts. Maybe I am not knowledgeable enough about some of the religious denominations. NNI?

Dr Smyth: Non-Northern Ireland, usually members of the security forces; usually members of the British Army, actually.

Q789 Mr Luke: Could I turn to your involvement in the criminal justice system? Many people lost faith in the criminal justice system during the troubles. How can this faith be restored?

Dr Smyth: I have to exercise some caution here because I am here in a private capacity. Therefore, I am nervous about making any kind of pronouncement that will be read as anything to do with my current employment. I will be advised by the Chairman if he feels I should proceed.

Q790 Chairman: I am very happy that you should. You have made it absolutely clear that you are giving your personal view. You are entirely entitled to do this. Your organisation is a step away and

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you are not a civil servant, so you are entirely free to say what you like and you are speaking in this place with privilege.

Dr Smyth: Thank you for your advice. First of all, in the paper that I have tabled here today, I point to the power that past experience of the criminal justice system has over current attitudes to it and indeed future expectations of it. There is a volume of business to be done in terms of resolving past complaints and doubts and fears about the criminal justice system. I address that in the paper. Beyond that, I think there is a role for organisations such as the one that I currently work for in terms of improving the track record of criminal justice. There is a consensus in Northern Ireland, even amongst the most vehement enemies of the criminal justice system, that law and order is a good thing and it is required and that paramilitary policing and such like no longer should be part of life in Northern Ireland. That is not contested anywhere, I do not think. What is difficult for people is to overcome their suspicions, their prejudices and so on. One of the major things that we can do to help them is to deliver a criminal justice system that meets their real needs, that not only provides policing and due process but is actually seen to do so and is engaged at community level. We have a very exciting range of mechanisms in Northern Ireland through which we can do this. The criminal justice reform and the new institutions are very great opportunities. Community policing partnerships, district policing partnerships, all of those things, are there and offer us opportunities. All we have to do now is persuade the criminal justice system on the one hand and the community on the other to work in partnership with one another. There is some way to go on both of those counts.

Q791 Mr Luke: Talking about the rule of law, in many of the discussions we have had about reconciliation, one of the issues that has been raised is the possibility of an amnesty for people who are willing to come forward. Do you think the granting of an amnesty would further breach the belief or the support for the rule of law and confidence in the rule of law in Northern Ireland?

Dr Smyth: I mention amnesty in the paper. A mental health check on anybody who mentions amnesty is probably an advisable thing. It is a very, very difficult issue indeed. It would be my own view that certain cohorts of victims that I am familiar with would not be uncomfortable with the idea of amnesty if they thought it would provide them with the truth. In other words, if perpetrators would testify and give them further details about the deaths or loss of their loved ones or whatever, if they were provided with amnesty, that is a price I think that some people would be willing to pay. However, that is by no means general. If there were to be amnesty, it would require great sensitivity on the part of the government and detailed consultation with the victims' groups and representatives prior to any decision making. If that consultation were put in place and if there was

transparency about the reasoning for any amnesty, I think people will courageously embrace it if there is a good rationale. There will always be 0.5% of people who will be displeased with no matter what we do but if the process of making such a decision was robust it could happen. There may well be benefits in terms of the discovery of truth which would advise us to examine the question of amnesty in some detail.

Q792 Mr Tynan: On the basis of faith in the criminal justice system, if individuals or groups are saying to this Committee that they believe that in some areas in parts of Northern Ireland the paramilitaries have complete control and the police have no real say, the Army have no real say and politicians have no real say, how would you view that situation?

Dr Smyth: That it is not an uncommon one in Northern Ireland. There are many areas that I can think of where that situation pertains. More recently in the media in the last week or 10 days, we have seen situations where families of victims are complaining about that and where there has been a challenge to paramilitary rule in particular communities. I am sure you are aware of that. I have worked quite closely with paramilitary groups through my work with the United Nations and I think there is a recognition on their part also that this situation cannot be allowed to continue indefinitely, that we are in a transition to something else. The bids for resources by one well known Loyalist paramilitary to disband and the attempt at persuading government to support that, financially at least, are well known. There are perhaps misguided attempts on the part of various groups to put in place other arrangements. Community restorative justice schemes in Loyalist and Republican areas are such an attempt. I am confident that we can progress if there are attempts made to support those in communities, both Loyalist and Republican, who are forward thinking and who wish to see progress made. It would be my view that the Government should have a more proactive role in this, however, and that it is not sufficient to expect paramilitaries to pack up by themselves. There needs to be some kind of verification process and there need to be mechanisms put in place by Government in order not only to encourage that but to secure and verify it.

Q793 Mr Tynan: Would you not agree that until that happens then faith in the justice system will not occur?

Dr Smyth: I see faith in the justice system as almost a separate set of questions. Obviously they are not separate in that there has been a pattern of "paramilitary policing" in Northern Ireland. In a way the paramilitaries have assumed some of the roles that ordinarily you would expect the criminal justice system to perform. Faith in the criminal justice system at the moment, in my view, is one of two main issues. One is delivering, if I call the police and they do not come for 48 hours or

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whatever, that damages on an ongoing basis faith in the criminal justice system and very many other examples like that. The second question is the role that the criminal justice system has played in the past and whether or not people who are involved currently in the criminal justice system have culpability, shall we say, in controversial circumstances in the past. Those are the two key areas for me. I think one of them is solved by putting in place an effective and efficient criminal justice system in the present. The other one requires something slightly different, some kind of mechanism for dealing with the past.

Q794 Mr Swire: I would like to ask you something which is slightly outside the remit of this discussion. It is a very interesting set of statistics which you have produced for us, for which many thanks. There was a horrific programme recently on the BBC about religious induced crime in Scotland which is in a sense a legacy of the troubles. You make the very interesting extrapolations that if the UK had the same death rate as the Ardoyne et cetera, I wondered if you had made a similar study of deaths which are related in some way to the troubles which have taken place either in the Republic or in the rest of the United Kingdom or indeed elsewhere, in Germany, and so forth?

Dr Smyth: Sir Kenneth is tired of listening to this by this stage but, in fact, the analysis that I have produced does include those deaths. That is why our figures differ from the Northern Ireland Office figures in terms of the total numbers of deaths from the troubles because the Northern Ireland Office figures reflect the numbers of deaths which have occurred within the Northern Ireland state, as it were, whereas the figures that I have produced are deaths due to the Northern Ireland conflict wherever they have occurred. They include figures in the Republic, Germany, Scotland, England, Wales and so on.

Q795 Mr Swire: Within the Northern Ireland boundary rather than state I would suggest?

Dr Smyth: Yes.

Q796 Mr Swire: How do you access those figures? If there is a death as a result of the religious divide in an inner city in England, for instance.

Dr Smyth: I beg your pardon. No, death as a result of religious divide—

Q797 Mr Swire: No, because they have come from the Province, there is some connection?

Dr Smyth: In the present day I would not be including those figures. We drew a line at the end of the conflict. I still keep adding, unfortunately, to the deaths' database but they would really only be deaths, for example, due to feuding amongst loyalist paramilitaries or various other things which are ascribable to the Northern Ireland conflict. I think then you get into the grey area which is how violence has moved from being directly attributable to the Northern Ireland conflict to now where you have random sectarian violence between

neighbours. I have not included that in my analysis. It is now what we are calling hate crime in Northern Ireland and sectarian hate crime is included as one of the categories.

Q798 Reverend Smyth: Did it include a death in Christchurch, New Zealand by a person who had left Northern Ireland and who was struck and killed with a picket poster by an IRA protester?

Dr Smyth: If I had known about it, it would be in there but I did not know about it.

The Committee suspended from 4.40 pm to 4.53 pm for a division in the House

Chairman: We will continue with a question from Mr Roy Beggs.

Q799 Mr Beggs: Does reconciliation need bottom-up processes, involving grass roots community-based work, or top-down processes, involving political leadership and state-led initiatives?

Dr Smyth: It would be my view that you need both of those things and you would need them working in ways which are complementary to one another. I think there has been a great deal of investment in bottom-up initiatives and you can see some of the policy rolling out in terms of top-down initiatives as well. I think what has been lacking, however, is in my opinion a robust targeting of interventions in strategic ways. I am not advocating that you only target the worst case scenarios. I think there is an argument for working in areas where the relationship between the two communities, and indeed the several communities that we now have in Northern Ireland, are at an all time low and I think you need to be working there. Equally I think you need to be building the capacity of the middle ground in society and indeed building the capacity of leadership to challenge and develop good community relations. I am saying, I think, all of the above, please, but smarter, more targeted.

Q800 Mr Beggs: In the Northern Ireland context, what do you think we should be aiming to achieve: peaceful co-existence or a shared future?

Dr Smyth: Back to my map of Northern Ireland in which there was a wide diversity of situations in any given locality. If we can think about some of the worst examples of community relations where there has been a huge amount of violence, where there has been internecine conflict and so on, there you might want to aim for peaceful co-existence whereas in the kind of community that I live in, where there is not any violence whatsoever of a sectarian nature or indeed a racist nature, you might wish to promote integration and some much more ambitious projects because you are starting from a rather different base line. It has to be related to the conditions on the ground at the time.

Q801 Mr Beggs: We received evidence yesterday that now is not the right time for a formal truth and reconciliation process. Do you agree with that view?

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Dr Smyth: I note the Minister's statement yesterday in which he is of the view that this is not the right time for a new initiative in this regard. Also, I agree with the Minister in that he is saying however that does not mean there are not things we cannot do to move that agenda forward. I think the evidence in relation to community relations in Northern Ireland has been that the investment of 20 or 30 years' community relations' work paid dividends in the long run in terms of the resolution of community relations' problems on the ground in the long run. I hope it does not take us 20 or 30 more years to resolve the issue of truth recovery but I would think that work now is an investment and hopefully there will be a day in the relatively near future when we can put in place some kind of mechanism to recover truth and to examine the past.

Q802 Mr Beggs: Is there a role for a victims commissioner in all this?

Dr Smyth: Certainly I hope so since we had an announcement yesterday that they are intending to appoint one. Yes, I do think there is a role for a victims and survivors commissioner. I think that person could perform a number of roles. I think it is interesting to look at, for example, the Children's Commissioner role in Northern Ireland and perhaps there are some parallels to be drawn there in terms of the remit of that office in regard to individual complaints/advocacy but also looking at broad policy initiatives and being a champion, if you like, in the public domain for people who have suffered as a result of the conflict. I think, also, maybe, broadening it over into our contemporary problems of hate crime in general which is not just simply sectarian in nature but indeed is racist and homophobic and perhaps involving folding those people in to any arrangements from here on in.

Q803 Mr Clarke: A few moments ago you helpfully said whilst it may not be the time for a truth recovery process to start there are things we could do in the mean time. Two of those things which are ongoing are criminal investigations and public inquiries. What could a truth recovery process achieve that those two mechanisms cannot?

Dr Smyth: Just let me get clear what you are asking?

Q804 Mr Clarke: At the moment we have public inquiries like the Saville Inquiry which is supposedly a way of establishing the truth in respect of Bloody Sunday. Also we continue to have criminal investigations and some trials which, again, allow truth—some may say a version of the truth—to come to the fore.

Dr Smyth: Sure.

Q805 Mr Clarke: We are now saying we want a truth commission. How is that going to be very different from those two other mechanisms getting to the truth?

Dr Smyth: In the paper that I have tabled I have made some concrete proposals in this regard. Just to address what will be different between a truth commission and existing public inquiries. Existing public inquiries have looked at particular incidents or controversial cases or matters where there is great public concern about a particular incident or a particular case. I think a truth commission can be a much broader exercise. If we look at models of truth commissions elsewhere, for example, in the model I am advocating for Northern Ireland, you would invite people to step forward to give evidence and tell their stories about what happened to them, and give examples of how they had suffered or whatever. You might wish, also, perpetrators to come forward and that touches on the question of amnesty which we mentioned earlier. It would be a much more broad process which would take place in the public domain. In the case of South Africa it was televised for the purpose of ensuring that the general public had access to information about the past and could educate themselves about the difficulties and diversity of difficulty that there was under apartheid. I think public inquiries, generally speaking, are much narrower than that and relate to specific sets of circumstances. Truth commissions relate to a conflict or a regime or the behaviour of a particular government or regime, and I guess that is the difference.

Q806 Mr Clarke: I suppose what we are attempting is to build a shared view, a common view of the truth which can be shared by both communities?

Dr Smyth: Absolutely.

Q807 Mr Clarke: Can that only be achieved then in the macro sense in talking about the period of the troubles from the point of view, for instance, of saying or acknowledging there was wrong on all sides, the British state played a part in those troubles, rather than looking at the minute detail at a micro level, as you are saying?

Dr Smyth: I think a certain amount of work can and indeed has been done by various organisations, including myself because some of my work has been about documenting people's experiences, making films and mounting exhibitions about that. The work of Healing for Remembering—an organisation I am the treasurer of—is also involved in various kinds of projects in this regard. However, the difference with a truth commission is that it is an official body and there is an argument, and indeed a need, for an official version of history and truth to be recorded in the public domain with the support of the state and with the state's imprimatur on it. I think that is a very important aspect of the truth commission. I have advocated, also, not that I wish to perpetuate reams of public inquiries for all sorts of the difficult reasons which we know have been associated with the current ones but rather that the public inquiries I am proposing alongside a truth commission would be thematic in nature, they would take a theme rather than a case and investigate that theme. Where there

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is a matter of great public concern that would provide a mechanism alongside a truth commission to make sure that we address all aspects of the past and the conflict.

Q808 Mr Clarke: Finally, we have said already that the timing is not perhaps right yet, therefore would you agree that if we go too early there is a risk of such a process being a case of division rather than something which brings communities together?

Dr Smyth: I think that the process may not necessarily cause division because, unfortunately, division already exists. However it might become the kind of political football that we have seen other well-meaning initiatives become in the

context of Northern Ireland. However, I would put it to you that there is a very tricky issue about timing in Northern Ireland in that we can hold back from doing things because we feel the timing is not right and in holding back we contribute to the perpetuation of the bad situation in the first instance. There is a real dilemma there for me in terms of timing. Also, I do think, no matter when we do it, it will be difficult and we will have to take our courage in our hands and step forward into what will feel, I think, like a difficult situation, no matter when we do it.

Chairman: Dr Smyth, thank you very much indeed for coming. It has been amazingly helpful. Thank you for all the work you have done. We do need statistics and figures to help us on our way.

Memorandum submitted by the Haven Project

1. INTRODUCTION

1.1 We welcome the decision of the Northern Ireland Affairs Committee to conduct an inquiry into the possible “ways of dealing with Northern Ireland’s past” thereby enabling a process of healing and reconciliation to take place within communities, between communities and between individuals who have been afflicted by terrorism.

1.2 We also welcome the Secretary of State’s programme of discussions about “ways of dealing with the past which recognises the pain, grief and anger” experienced by individuals, families and communities through terrorist activity.

2. COMMUNITY HEALING

2.1 The process of reconciliation must result in the development of an inclusive society where all members and their political representatives are committed to and clearly demonstrate civic responsibility.

2.2 Before deep and meaningful reconciliation can begin between the two traditions of Northern Ireland there is a need for reconciliation within each tradition. Deep rooted intracommunity division exists within Republican/Nationalist areas and equally Loyalist/Unionist.

2.3 Such internal divisions must be addressed and perhaps more so within the Protestant community where community confidence and societal identity has been lost.

2.4 Community healing must involve bridge building and discussion with a significant part of the community who rejected the 1998 Good Friday Agreement.

2.5 Within this context Intracommunity and Intercommunity healing can only take place on a foundation of Trust and Forgiveness.

3. TRUST

3.1 This calls for a total cessation of war, not only militarily but also culturally and politically.

3.2 Whilst a number of paramilitary groupings have declared a military ceasefire the process of war has continued at a cultural and political level. This can be demonstrated, for example, through language and environment.

3.3 Within communities public memorials, murals and displays are constant reminders of past and present conflict and are statements that the “war” is not over. Such “statements” are counter productive in terms of developing reconciliation based on trust.

3.4 “Patriotic” gestures such as the flying of flags and painting of public thoroughfares reignite hatred, bitterness and pain and regrettably can be viewed as determining to cause offence. Significantly such activities are further statements of territorial ownership, power, control and authority resulting in fear, mistrust and exclusion.

3.5 The use of language has cultural and political sensitivities and is used to reignite not only the pain of history but continued mistrust and “demonization” of the opposite tradition.

3.6 In order for trust to be developed language as used by those involved in a process of reconciliation has to be precise, sensitive and not easily given to misinterpretation. Yes must mean Yes and No must mean No.

4. FORGIVENESS

4.1 The people of Northern Ireland are experiencing the legacy of the troubles through division, pain and injustice.

4.2 Forgiveness is the key to personal healing thus enabling reconciliation to take place. Forgiveness is a deeply personal and traumatic pilgrimage and can only come from the heart.

4.3 The Haven Project works within the context of Christian faith. The healing and reconciliation of a community begins with the individual. Where there is a sharing of guilt and pain between perpetrators of violence and their victims leading to acts of repentance and forgiveness this has meaningful impact on the individuals and the wider community.

5. THE EXILES

5.1 The Haven Project is involved with the relocation and support of individuals and families who have had to leave Northern Ireland as a result of paramilitary intimidation and/or threat to life from Republican and Loyalist organisations.

5.2 Sir Kenneth Bloomfield stated in his report, "We will Remember them", "It would be a strange aspect of any society attempting reconciliation if convicted prisoners were able to return home while unconvicted people felt it unsafe to do so." (The "Disappeared" and "Exiles", 5.38 page 38).

5.3 The Exiles are Northern Ireland's "Forgotten Legacy". A minimum of 4,500 persons of all ages have had to leave Northern Ireland over the last 24 years. Such people do not have a voice to speak on their behalf.

5.4 The process of reconciliation must enable Exiles to return and reintegrate within their communities. It is an indictment of any society that a process of exiling is accepted and tolerated. We recognise that many issues need addressing to facilitate the return of the Exiles.

5.5 The act of exiling persons contravenes the Good Friday Agreement and Human Rights Legislation. Can society continue to ignore the misery and suffering which exiling inflicts on individuals and families?

6. EMPOWERMENT OF LOCAL COMMUNITIES

6.1 The power-base of the paramilitaries has been dependant upon maintaining the polarisation and division of local communities. This has enabled a policy of "rule by fear" to be applied and prevented the "silent majority" from having a voice.

6.2 The paramilitary power-base has been further strengthened by the fact that community initiatives and the leadership of such initiatives is by persons perceived to be and/or known to be associated with organisations still engaged in mutilation attacks, extortion and violence. Public confidence and the ability to develop a new civic leadership is therefore greatly eroded.

6.3 Community confidence and community development can only take place when there is the knowledge and awareness that all criminal activity is renounced by those in leadership and/or their acquaintances.

6.4 Empowering communities and leaders who are committed to civic responsibility will enable a process of community Reconciliation and Integration to become a reality and not merely remain an aspiration.

7. RECONCILIATION

7.1 There must be a deeply rooted desire for and a determination to achieve the realisation of peace and reconciliation.

7.2 The process of reconciliation must not become politicised if we are to bring about healing and restoration.

7.3 Within this context there must be a commitment to people and to the development of an integrated and cohesive policy which unites hearts and minds.

7.4 This means that any initiatives for reconciliation must be relevant and meaningful not superficial or mere gesturing.

7.5 Although the process of reconciliation is painful the steps toward reconciliation need not be confrontational. Reconciliation can only be achieved in an atmosphere of love, honesty, forgiveness and genuine care.

7.6 Many who are desirous for reconciliation are fearful of speaking out. Those committed to the concept of reconciliation must be given the necessary support and help to speak out and stand against violence.

8. INTEGRATION

8.1 Moving “forward from a history of division and conflict” requires the support, commitment and co-operation of all sections of the community including, for example, the educational, medical, commercial, industrial, housing and formal institutions.

8.2 An Integrated Housing Policy is central to the development of a community. We accept that historically such a policy was unsuccessful. This does not mean it is impossible. Nor must it merely be social engineering.

8.3 Those committed to such a policy must be given the necessary support to enable local initiatives to succeed thereby ensuring that the policy does not facilitate further segregation of communities.

8.4 We would draw the attention of the Committee to the work of the Eden Project which is based in Manchester. It may be that a similar project tailored to the needs of Northern Ireland could act as a model and assist in community reconciliation and integration.

8.5 The ability to develop an integrated community is necessary if we are to meet the aspirations of The Good Friday Agreement.

9. ENVISIONING AND EQUIPPING YOUNG PEOPLE

9.1 We must ask ourselves the question “What on earth are we doing to our children in Northern Ireland?” Our work with families from Northern Ireland has shown how young people’s perceptions and values are determined by formative influences and attitudes which contribute to division, bitterness and hatred, ultimately causing instability and insecurity.

9.2 Reconciliation brings about community stability and security. The creation of a stable and secure community must have as its focus the needs of our young people.

9.3 On a daily basis young people are confronted with the symbols and language of hatred and a culture of death as depicted through murals. The move toward developing a cohesive community requires that young people are set free from the myths, symbols and language of sectarianism.

9.4 Within Northern Ireland there is a need for the “Decommissioning of hearts and minds”. Young people need to see and experience positive role models.

9.5 It has to be recognised that for many young people the only role models available to them have been hard-line political activists and paramilitaries.

9.6 The perception that aggressive language and violence brings the reward of power, control and financial gain draws the most vulnerable of young people into paramilitary groupings and ultimately criminal activity.

9.7 With regard to positive role models we would draw the attention of the Committee to the work of “The Peacemakers”—Tom Kelly and James Tate. The former was an active Republican, the latter an active Loyalist. Both men committed their lives to the Christian Faith and following a public act of reconciliation have worked together within schools promoting peace and reconciliation.

10. THE ROLE OF THE CHURCH

10.1 The role of the church within Northern Ireland is pivotal to the work of Reconciliation.

10.2 Church leaders have witnessed the pain, suffering and injustices borne by local communities over the past years.

10.3 Church leaders have the opportunity to enable communities to recognise that the pain inherent within their tradition is also inherent in those of an opposite tradition. Churches can assist in this identification process whereby communities can share in one another’s pain.

10.4 In this context Churches must lead communities into re-examining many of the perceptions inherent within their tradition. A community must examine the strengths and weaknesses of its own tradition whilst recognising the strengths of other traditions. Individuals must be prepared to examine personal perceptions and understanding inherent in their own tradition.

11. CONCLUSION

11.1 We welcome the initiative of the Secretary of State for Northern Ireland and the Committee’s support in examining “Ways of dealing with Northern Ireland’s Past” and the opportunity to contribute to the Committee’s inquiry.

11.2 Political leaders must demonstrate an absolute commitment to the process of reconciliation. This must reflect total commitment to the whole of society. Local communities want to see genuine acts of reconciliation.

11.3 A stable and secure society is founded on values which reflect “responsibility” rather than “rights”. A process of reconciliation must reflect citizen values.

11.4 There have been proposals for a Truth and Reconciliation Forum. We would not advocate such a process as Northern Ireland is not in a position politically or socially to accommodate such a Forum.

11.5 In this context we believe a model for reconciliation needs to be developed which is specific to Northern Ireland's needs but based on broad principles of reconciliation.

December 2004

Annex

DESCRIPTION OF SERVICES:

- The Haven Project works within Northern Ireland and Great Britain.
- Relocation and support of individuals and families who have to leave their home as a result of paramilitary intimidation.
- Support in relocating within Northern Ireland/Ireland/Great Britain.
- Liaison with statutory bodies eg Housing Authorities, Social Services, etc.
- Assistance in obtaining Emergency Accommodation.
- Advice and support in transfer of furniture.
- Advice and support with Social Security Benefits.
- If necessary, attendance at court to give support.
- Advocacy.
- Advice in relation to other agencies and support services.
- continuous support for as long as the individual/family requires it.
- Support to extended family members as required and/or requested.
- Networking with other agencies to provide support for prisoners under paramilitary threat including prison visitations.

Witness: **Mr Andrew Robinson**, Project Manager, the Haven Project, examined.

Q809 Chairman: You are welcome, Mr Robinson. Thank you very much for coming to help us with this inquiry. I know you have to catch a train, therefore I am going to ask my fellow members to make their questions brief, and then it is up to you to make your answers brief and concise and you will get away in good time. You have made particular reference to the displaced from Northern Ireland or those exiled as a result of the troubles. How many people are we talking about?

Mr Robinson: Since the work of assisting the exiles in 1980 began, with the work of the Maranatha Community, we have dealt with somewhere in the region of 4,500 persons. That would be a relatively conservative figure but a verifiable figure. Since the Haven Project, which grew out of the work of Amaranth, has taken up responsibility due to the needs presented by those exiled, since July 2003 we have dealt with 77 cases which has been in the region of over 144 to 145 persons.

Q810 Chairman: That is a considerable number. I know there have been many different ones but can you generalise in any way the cause for these people to leave their homes?

Mr Robinson: The primary cause is through paramilitary intimidation, whether that paramilitary intimidation is from—

Q811 Chairman: Can you put a figure on that out of your 4,500?

Mr Robinson: At that stage it was 50:50, since we started keeping more detailed records, and since 2003 it has been primarily those exiled by the

Loyalist community. We are aware, also, that there are a high number still exiled through Republican elements.

Q812 Mr Pound: Is this Loyalists exiled by Loyalists?

Mr Robinson: Yes.

Q813 Chairman: Absolutely. I have not asked you about the breakdown between Loyalists and Republicans but they are exiled by their own paramilitaries largely?

Mr Robinson: They are, yes.

Q814 Chairman: How does the figure breakdown, roughly? Is it 50:50 between the two communities?

Mr Robinson: It would be about 30% Republican to approximately 70% Loyalist. That is primarily, again, because the folk who we are dealing with are referred to us from the Loyalist community. We are aware, also, that in terms of people leaving as a result of Republican intimidation many of those will leave without any assistance and will make their own way across to England or Scotland.

Q815 Chairman: Presumably a number of them will go to the Republic?

Mr Robinson: In terms of the Republic, we are not entirely certain because primarily we deal with persons coming across to the UK.

Q816 Chairman: Are exiles officially recognised as victims of the trouble?

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Mr Robinson: There is no official recognition. That does cause a problem because it means any organisation such as ourselves giving assistance to exiles has to work with the authorities and local authorities, primarily starting with housing officials, presenting a case and outlining what we do. There is no central organisation, central government body, to which we can turn for overall assistance with all the issues affecting families and individuals.

Q817 Reverend Smyth: We have been dealing with the exiles that come, are you in possession of the numbers who would like to return to Northern Ireland but feel unable to do so?

Mr Robinson: In terms of specific numbers, we would not be able to say a particular figure. What I can say to the Committee is that whilst the majority of people would want to return to their own "homeland" there is a recognition that for all it would be unsafe to do so. For those who have become more settled within England or Scotland, whilst they would wish to be able to return at any time, whether simply to visit family or friends, if there are issues or difficulties, for example, within family life within Northern Ireland, there is a recognition they cannot do that but they would wish to have the freedom to do so. Some of them have chosen, because they have been over here for some time, to remain and would remain living within England or Scotland; the majority would wish to return to their homes.

Q818 Reverend Smyth: Have you any figures about what might be called the internally displaced, people who may still be living in parts of Northern Ireland but not where they would feel is their home?

Mr Robinson: Primarily we have dealt with persons leaving Northern Ireland, we have dealt, also, with a number of families who have relocated or been displaced within the Province but we would not have any figures on that. However, my experience in dealing with families has been whether they have to move one mile down the road, whether it be 10 miles away from home or whether it be 100 miles, the impact of having to leave your community and leave your family and friends is still the same sort of impact.

Q819 Reverend Smyth: Do they say to you why they feel they cannot return home? Is it a fear of vengeance squads? Is it a fear of neighbours not wanting them? Is it a fear by some of them that while they may be exiles here they may be apprehended by the forces of law?

Mr Robinson: In terms of the people we would deal with, because they have been put out by paramilitary organisations under death threat, it is a recognition that were they to return then their personal safety, their lives, would be in danger. In terms of anyone, for example, who has concerns about would they be apprehended by the forces of law and order, as a Project we deal with them and would verify if those people are in a position to

leave Northern Ireland. That would mean verifying if there are any outstanding issues affecting law and order, affecting their leaving the Province and would we be facilitating someone to break the law by leaving the Province. There would not be any fear of apprehension by the police force.

Q820 Reverend Smyth: You spoke about the numbers who had been exiled, how many exiled or displaced people have returned to their homes? Have you any ideas of figures there and what kind of experiences have they had?

Mr Robinson: Can you repeat the last part of your question, please?

Q821 Reverend Smyth: What kind of experiences have those who have returned to their homes had? Have they been received? Have they been able to integrate into their community or are there continuing problems?

Mr Robinson: In terms of anyone who has returned, I am only aware, through the work we have done, of perhaps two to three individuals/families returning. They have not done that on the basis of any sort of negotiated return but have had to take a fairly low profile within a community where they are not known and have sought to keep a low profile, always aware that they are in danger. The numbers are very, very low. For us, I am only aware of two to three families. They have not been assisted by us in returning because threats have remained upon them but they have chosen, because they have found it so difficult to settle within England, there is still a threat upon them which has not been lifted.

Q822 Reverend Smyth: Were you aware, for example, on the Loyalist side recently one young man was murdered and there was a threat upon a church worker who had been trying to befriend the family and help them, that was on the Loyalist side? Of course there was a famous incident when a woman in Londonderry was given safe conduct for her son to return only to see him murdered.

Mr Robinson: I am aware of the latter case but I was not aware of the former case.

Q823 Mr Tynan: When people approach the Haven Project, what kinds of assistance are they looking for when they come to you and what kinds of assistance do you provide to them?

Mr Robinson: In terms of assistance, first of all they are looking for help with getting out of the country and getting relocated in terms of accommodation. We offer a wide range of services and if it is helpful to the Committee I do have a list of services, if you wish to have a copy of that?

Q824 Chairman: Thank you very much.

Mr Robinson: We offer assistance in all areas. They need help, first of all, with getting out of the country. They need assistance in terms of getting emergency accommodation within Northern Ireland prior to leaving that, assistance with accommodation over here in Great Britain. Then

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we offer and give assistance in dealing with their benefits, dealing with welfare issues, dealing with travel issues, getting their furniture put into storage and then, once they get relocated, we give support and assistance in terms of getting that furniture transferred. We offer, as you will see from the services, a wide range of support.

Q825 Mr Tynan: You continue to offer support for the people who make a home and I know it is a small amount but you continue to be involved in that sort of work for the people who go home?

Mr Robinson: Yes. The one thing which we always stress to those we help is that although we will not support them in terms of paying for their transport back to the Province, because we are aware that if they have left the Province under threat and that has not been lifted if we are assisting them back then we are partly responsible for putting their lives in danger, however, their having made a decision to return, once they return to Northern Ireland, we will continue to help them in whatever way they require. For those who come across here, we will work with the families and the individuals for as long as they require. Indeed, for some families we have worked for five or six years and we are still working with those families giving them necessary support. If I can illustrate, also, in one case a gentleman came out 20 years previous, obviously we lost contact with him—we always say to people “We will work with you as long as you require assistance” if they choose to terminate that support that is entirely up to them—but this chap, 20 years later we received a telephone call from him and we moved back in to give him the necessary support. People know if they do hit difficulties we will always be there to give that support at any stage at all. I should say that support extends to the wider family members because outside of a family having to leave Northern Ireland there is a traumatic impact upon the wider family and we will respond to their needs also.

Q826 Chairman: How are you funded, Mr Robinson?

Mr Robinson: The Haven Project is funded currently by the Northern Ireland Office. It received funding in 2003, it opened in June 2003. It was given funding for one year and that was renewed then for a second year. That funding is due to finish at the close of May, beginning of June this year. Because the work grew out of the Maranatha Community, that Community as a policy does not receive funding at all from any Government body; hence the Haven Project was set up as a separate entity to carry on the work.

Q827 Chairman: How much money have you received in those two years?

Mr Robinson: In total, approximately £104,000 over a two year period.

Q828 Mark Tami: When looking at reconciliation do you think we need to address—I recognise this is a very difficult area—the causes of the troubles?

Mr Robinson: Indeed because in terms of the whole issue of reconciliation it depends at what level you want to respond. One of the queries which I have in my own mind is that there are several levels which have to be dealt with in terms of reconciliation. The question I would put to the Committee really is are we looking at some generic form of reconciliation which would be Province-wide, are we looking at reconciliation within local communities or are we looking at reconciliation at individual levels? Certainly any reconciliation has to deal with the root causes. Our experience in terms of people being reconciled to one another has always been that reconciliation takes place at an individual level.

Q829 Mark Tami: In some ways if we do explore the past, do you think that is a good idea or should we try to forget the past and move on or use the past and then move on? It is a conundrum, is it not?

Mr Robinson: It is. The main concern I feel that persons would have is that the past is simply airbrushed out of people’s thinking. The past has to be dealt with because reconciliation can only take place when the roots of the past are dealt with. To try to deal with a process of reconciliation at one level without dealing with the root issues would not facilitate a process of reconciliation between communities.

Q830 Mark Tami: I suppose we tend to look at the reconciliation as between communities whereas certainly, from our own experience of the evidence we have taken so far, there is an element, and depending on the group of people we speak to quite a large element, but it is also within communities as well. How do you address that? We have met relatives of the missing, for instance, and a number of those are clearly people they believe are within their own communities. How do we tackle that?

Mr Robinson: Within the submission, in Part 2, I refer to community healing. At this stage I have to agree that you cannot have inter-community reconciliation because of the depths of division within the communities themselves. At this stage there is no model which could be used to develop inter-community reconciliation. That is something which, again, would need to be explored. The one thing which I do feel, in relation to reconciliation within Northern Ireland, is that various models have been looked at, however due to the nature of the problem within Northern Ireland I am convinced that we have to look at the model which is developed for the Province and which meets the needs of the Province. We should not look to try to import a model from some other place.

Q831 Mark Tami: Do you accept it is easier to come up with something to address the issue between communities rather than the issue within communities? Is that something people would rather brush under the carpet?

Mr Robinson: It is much easier to look at intra-community models, however before you can begin to address the intra-community the problems

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within each community themselves have to be looked at because the reality is that we cannot bring healing to the Province, we cannot bring healing to the overall community until the issues are dealt with within each community. That has always been recognised as a primary difficulty and a primary problem.

Q832 Mr Pound: Do you feel that the churches have a role to play in the process that you have just been describing?

Mr Robinson: Again, in the submission I indicated that the church does have a key role in terms of moving forward with any model of reconciliation. The church is faced with great difficulties within their own communities in terms of looking to try to move forward because of the fear that each community has of the other. Certainly in terms of their moving it forward, there is a significant role for the church to address issues of injustice, address the issues of pain and look to be the bridge builders within community reconciliation, both within the community and across the wider communities themselves. I think that historically church leaders have sought to take initiatives and steps to do that, but in the situation as we have now there is this tremendous vacuum which the church could respond to.

Q833 Mr Pound: Are any of your—I was going to say users, I am not sure if that is the expression you use—clients, any of the people who come to the Haven Project, referred by churches?

Mr Robinson: Referrals come from a wide range of groups and bodies and, historically, clergy have been key to making referrals to formerly the Maranatha Community, which is still engaged in reconciliation, and to ourselves.

Q834 Mr Beggs: Why are you opposed to a truth commission for Northern Ireland?

Mr Robinson: It is not so much that one is opposed to it but the reality is that at this moment, due to the pain and suffering which people have and, coming back to the roots, because the roots of the problems are still there and have not been addressed at this stage—we are not a political body, we are not a political organisation—because of the political difficulties there has to be an element of trust, there has to be that element and

ability of forgiveness and at this stage there is a tremendous lack of trust within communities within Northern Ireland. I would say, also, that for there to be any form of truth and reconciliation commission there has to be an absolute cessation of war. Whilst we have a military cessation, the reality is that the nature of the war has moved into a different arena which is the political arena and the cultural arena. I do not feel there would be that trust within that form of commission. Talking with many people at the grass roots level, we have to ask ourselves what would we see as the purpose of a truth and reconciliation commission, what would we hope to achieve by that and what would be the outcome of that. For many, whilst I feel they would perhaps like to know what happened to families and family members, there is not that level of trust at all.

Q835 Mr Beggs: Can you envisage a political environment in which you would support a truth commission?

Mr Robinson: At this stage, the overall concept of some commission, I would say I cannot envisage the model of a commission which the majority of people would look to. The majority of people that I have spoken to who have given consideration to a commission have obviously looked at the South African model. Because at this stage political activity within Northern Ireland is twin tracked, through for example the terms of the Good Friday Agreement, it is not designed to converge and bring the political communities together as a single community. On that basis I would find it difficult to see that a commission would function.

Q836 Mr Beggs: Would you like to give us your views on the role of the victims commissioner?

Mr Robinson: At this stage I have to state that I am not wholly familiar with the role of the victims commission and what their ultimate objectives are. Certainly the victims, overall, their cases have not been upheld. There has not been a real voice there for the victims themselves and this is something as a Project which we would advocate. There has to be some voice for the victims.

Chairman: Mr Robinson, you are in good time for your train. You have been extremely helpful and very clear in your answers. Thank you very much for helping with this inquiry.

Wednesday 9 March 2005

Members present:

Mr Roy Beggs

Mr Gregory Campbell
Mr Tony Clarke
Mr Iain Luke

The Reverend Martin Smyth
Mark Tami
Mr Bill Tynan

Memorandum submitted by the Northern Ireland Office

RECONCILIATION: WAYS OF DEALING WITH NORTHERN IRELAND'S PAST

INTRODUCTION

1. For many years, it has been apparent that the legacy of Northern Ireland's recent past influences, to a great extent, the views of all sections of the community in Northern Ireland about its present and its future. It is hard for people to learn to trust each other and start to build a better future for the next and future generations while the scars and divisions of the past remain. Earlier this year, the Prime Minister made clear his own desire for finding a way of dealing with Northern Ireland's past:

“I do think it is important that we do try in Northern Ireland to move beyond the past . . . I don't know whether necessarily a truth and reconciliation commission is the right way to do it but I think there needs to be some way of trying to both allow people to express their grief and their pain and their anger in respect of what has happened in Northern Ireland without the past continually dominating the present and the future and that is what we will try to do.”—
Prime Minister, 1 April 2004.

2. Shortly after that statement, the Secretary of State for Northern Ireland announced his intention to focus on this issue in the months ahead. In his statement to Parliament on 27 May 2004 (attached at Annex A) he set out his priorities and objectives for taking forward this work. The Secretary of State's initial focus was on taking private soundings from a small group of experts and opinion formers. However his deliberations have also benefited from comments made to him by a range of individuals, either directly or in correspondence, and have also taken account of the wide range of views expressed in the course of Angela Smith's recent consultation with victims and their families in the context of developing the next phase of victims' strategies. He has also visited South Africa, to learn at first hand how that country dealt with its own deeply troubled past.

3. The Government greatly welcomes the Northern Ireland Affairs Committee's inquiry into this important area, and looks forward to hearing the Committee's conclusions and recommendations. The Secretary of State hopes to be able to say more in the New Year about how he intends to take forward the next stage of this work and looks forward to discussing this with the Committee in due course.

EMERGING THEMES

4. A number of recurring themes have emerged from the Secretary of State's initial discussions and reflections. The Government is carefully considering the implications of these for the next steps in work on dealing with the past in Northern Ireland. They include:

- (a) the difficulty in importing a ready-made approach to Northern Ireland;
- (b) the importance to many of resolving unanswered questions about the past;
- (c) the need to ensure proper respect and protection for victims and survivors;
- (d) the need for any solution to command widespread acceptance across all sections of the community in Northern Ireland, and the implications that this has for Government's role in the process.

5. Each of these themes is dealt with below.

A TAILORED APPROACH

6. The Secretary of State's visit to South Africa underlined to him very clearly the need to ensure that any approach to dealing with Northern Ireland's past must be tailored to Northern Ireland's specific needs, history and culture. The South African approach was judged a success by many commentators because it was designed to meet the needs and circumstances that that country was facing at a particular

moment in its history. Similarly, other countries have adopted different approaches to dealing with their past. What appears most important is that the approach taken is designed to deal with the specific situation in which the country finds itself.

7. It is, of course, important that we learn from others' experiences, including considering what it was that made a particular approach work at a particular moment in time. For example, which approaches work as a conclusion to a conflict that has already ended, and which work as a means to helping to bring about that end? But the Secretary of State is clear that there is no "off-the-shelf solution" and Government is committed to finding a way forward which is designed specifically to work for Northern Ireland, taking account of both its current circumstances and those that pertained during the past 35 years.

RESOLVING UNANSWERED QUESTIONS

8. Another issue that has been clear from both the Secretary of State's discussions and Angela Smith's consultation with victims and survivors is the extent to which, for many people, the possibility of coming to terms with what has happened in the past is made more remote because there remain significant unanswered questions, for example about the fate of their loved ones. There are around 1,800 unsolved murders relating to the security situation in the period from 1969 to the Belfast Agreement. There were also nearly 400 killings by the security forces in these years, of which some took place in disputed circumstances. For the families of those killed, the difficulty of not knowing who was responsible for their loved one's death, or why, continues to be a significant issue many years on.

9. In some cases, there have been allegations of misconduct or collusion by the State in a death. In some such cases, the Government has announced inquiries to investigate these—the Bloody Sunday Inquiry, set up in 1998; the recently established inquiries into the deaths of Robert Hamill, Billy Wright and Rosemary Nelson; and an inquiry into the death of Patrick Finucane, which will be established as soon as the necessary legislation is in place. It is the Government's hope that the inquiries will be able to get to the full facts of what happened in each case, and establish once and for all what actually happened including whether allegations of collusion are justified or not. Similarly, there have been a number of cases that the Police Ombudsman has investigated.

10. The Government recognises, however, that there is a need to address in a systematic way all of the unsolved murders of the past 35 years. The Secretary of State has been working closely with the Chief Constable to develop a way of taking this forward and much substantial work has already taken place.

11. The Chief Constable set up the Serious Crime Review Team (SCRT) within the Police Service of Northern Ireland in March 2004. In addition to conducting Progress Reviews into current murders that remain undetected at 28 days, the SCRT's role includes the examination of the files on some of the unresolved deaths due to the security situation to establish whether there is any prospect of fuller reinvestigation leading to an outcome. Where such an evidential or investigative opportunity has been identified as a result of this Preliminary Case Assessment, the SCRT will conduct a "deferred" (or more detailed) review of the case.

12. This is complex and painstaking work. Since the creation of the SCRT a total of 97 cases have been the subject of a Preliminary Case Assessment. In addition seven Deferred Reviews and four Progress Reviews have been completed over this period.

13. The Secretary of State announced at the end of September that the NIO was working with the Chief Constable and the PSNI on how this work might be expanded to review all the unresolved deaths from the Troubles in a way that would command the confidence of the wider community. The Chief Constable recognises that his current budget does not provide him with the resources to tackle a project of such a significant scale; the Government accepts this position and is in discussion with him about resourcing issues which relate both to funding and to the availability of police officers and others with the required expertise.

PROPER RESPECT AND PROTECTION FOR VICTIMS AND SURVIVORS

14. The Government recognises the importance of any strategy for dealing with the legacy of Northern Ireland's past securing the acceptance of all sections of the community. This, of course, has a particular resonance for victims and survivors and for their families.

15. In her role as Victims' Minister, Angela Smith is working to put in place a strategy that gives victims and survivors of the Troubles recognition, acknowledgement and, where appropriate, the necessary help and practical support to rebuild their lives. Since 1998, the Government has allocated more than £20 million to initiatives aimed at meeting those needs. Much has been achieved but more needs to be done.

16. The Minister recognises that it is important to hear directly from those who have been adversely affected their views on what improvements Government can make, and over the past year she has been consulting with victims and survivors and their representative groups. Leaflets have been issued inviting people to write with their views and over 100 responses received. Seven workshops, including one for

young people, have been held across Northern Ireland. The Minister has also met with experts and practitioners in the field and visited victims' groups throughout the province hearing the views of the members and the staff who work with them.

17. The Minister has recently issued a summary of the views gathered to all those who participated (copy at Annex B). Her next step will be to draw up proposals for improvements in the arrangements for the planning, co-ordination and delivery of the services provided to victims to help address the problems they face.

18. This work clearly ties in very closely with the Secretary of State's work on the past, and Angela Smith's research has fed in direct to his consideration of the issue. The Government is clear that victims' voices must be heard, and their needs met as part of any approach to dealing with the past.

WIDESPREAD ACCEPTANCE AND CROSS-COMMUNITY SUPPORT

19. However, the issue of dealing with the legacy of Northern Ireland's past goes beyond the immediate victims and survivors, encompassing the whole community. The Government is clear that any process for dealing with the past must be one that all sections of the community can feel comfortable with and be involved in. This raises the issue of Government's own role within the process.

20. On the one hand, Government has the responsibility for ensuring that an appropriate mechanism is found for dealing with the past to the satisfaction of all sections of the community. On the other hand, it recognises that, for some groups, the Governments' role in past events is seen as an issue. The Government recognises the need to reconcile these two conflicting positions and is committed to finding a solution that is acceptable to as many people as possible, consistent with its legitimate responsibilities.

NEXT STEPS

21. The Government recognises the need both to resolve all these issues satisfactorily and to do so in a way and at a pace with which all sections of the community feel comfortable. To date, the Secretary of State's consultation has been at an individual level, and in the form of private soundings, but the Government recognises the need for this to become a much wider exercise if all sections of the community are to become involved in the debate.

22. The Secretary of State hopes to make an announcement in the New Year on the Government's plans for taking forward this work, at which point he will be happy to discuss these with the Committee in detail.

Northern Ireland Office

7 December 2004

Annex A

STATEMENT ON DEALING WITH THE PAST

Secretary of State for Northern Ireland (Paul Murphy): The Prime Minister has highlighted the need for Northern Ireland to find ways of dealing with the past which recognise the pain, grief and anger associated with it, but which also enable it to build a better future for the next generation. I have reflected carefully on what role I might play.

This is a complex and profoundly sensitive subject. There are no ready-made solutions. Opinion is divided on some aspects of the way forward. And the pain of victims and their families remains very real. I want, therefore, to proceed in a way which respects the feelings of all concerned, and which takes nothing for granted.

Over the weeks ahead, I will be embarking on a programme of discussions with a wide range of people with relevant experiences and expertise. These discussions will initially take the form of private soundings, which will in due course lead to wider consultation. I will also be commissioning work on relevant international experience, which will cover the sort of processes which others have used in seeking to come to terms with the past.

Angela Smith, as victims' minister, has already engaged in careful and detailed consultation about the needs of victims and the ways in which Government and society should respond. She has been speaking to victims and survivors, their representative groups, experts, academics and practitioners in the field. That work will continue, and be brought to fruition. I will take full account of it in the discussions which I am setting in train. I will also have regard to relevant initiatives in a number of related areas.

CONSULTATION ON THE NEXT PHASE OF VICTIMS POLICY—SUMMARY OF RESPONSES

During the course of the last year, Angela Smith, Minister with responsibility for victims' issues, sought views and opinions from all interested parties on the development of the next phase of Government policies to address the needs of those who have suffered directly as a result of conflict in Northern Ireland.

This document provides a summary of the responses, views and opinions expressed during the period of the consultation. These have been gathered from a range of sources including:

- a leaflet drop through the three main newspapers which drew 112 responses from individuals;
- the outputs from a series of seven workshops involving victims, representatives from victims groups, children and young people and others;
- meetings which the Minister had with representatives of victims groups, church leaders, service providers, academics, experts and practitioners in the victims' field;
- outputs from a series of five workshops (one in each Health Board area and the Sperrin Lakeland Trust area) which fed into the three day international conference, "Towards a Better Future—Building Healthy Communities" held in Belfast in October 2003;
- needs analysis exercises carried out in both the Northern and Eastern Health and Social Services Board areas; and
- the report of a series of 8 seminars held across Northern Ireland for Churches and Faith Communities.

Due to the very wide range of issues raised and views put forward, this document is presented as a series of themes arising from consultation. Inevitably, there are some areas where the themes overlap. However, and although it is not possible to present all of the views expressed in detail, it is hoped that the summary presented here reflects the major issues and provides a picture of the diversity of views expressed. The document reflects the range rather than the volume or frequency of comments gathered under each heading and includes some conflicting views. It will be used to inform Government in the further development of victims' policies, but is not to be taken as a statement of Government policy.

To preserve anonymity, respondents are not listed in this summary.

October 2004

1. TERMINOLOGY AND DEFINITION OF "VICTIM"

1.1. Many preferred to see themselves as "survivors". Some felt that those they regarded as "perpetrators" should not be viewed as victims while others felt that such people were just as much victims of the Troubles as anyone else.

2. STATUTORY SECTOR

2.1. Statutory agencies needed to have a sympathetic approach to victims' needs and training programmes should include an element to cover awareness of victims' issues. Some victims were reluctant to use statutory services because they were concerned how staff might use confidential information.

2.2. It was felt that a "one-stop shop" or some type of assistance to access services, statutory and voluntary, would be helpful. This might include help with practical things such as completion of forms. There should be Trauma Centres in each HSS Board area. Trauma Advisory Panels (TAPs) could be more proactive in developing services and a mechanism for victims/victims' groups to communicate with the Interdepartmental Working Group on Victims was suggested.

2.3. Victims' issues need to be part of the core business of statutory agencies and not just something which gets attention at certain times as a political issue. Need a long-term joined-up strategy which takes account of current needs and which provides for voluntary and statutory bodies to work more closely together.

3. VOLUNTARY AND COMMUNITY SECTOR

3.1. The view was expressed that there were many areas where the voluntary/community sector staff can act more quickly and go into areas which would be difficult for statutory agencies' staff. Although recognition was given to support from the statutory sector, views were expressed that the approach taken by the voluntary and community sectors was better in that an individual was treated as a person rather than a problem. Another view was expressed was that there was no need for any more organisations as availability of funds had led to a proliferation of organisations, with overheads of offices, phones etc consuming much of the available funds; rather the need was for higher levels of funding for existing organisations, with the voluntary and community sector being adequately financed for any service delivered to statutory sector.

3.2. With regard to victims groups, some felt that theirs was the most valuable help, for example their self development programmes. Concern was expressed that the funding arrangements for victims groups were excessively bureaucratic and that there was a need for the work of the groups to be strategically funded over many years. Some expressed a view that funding should go to those victims groups which were encouraging their members to move forward, while still remembering the past. It was commented that some individual victims did not wish to be associated with groups at all, regarding membership of some groups as stigmatising.

4. INFORMATION ABOUT SERVICES AND IDENTIFICATION OF NEED

4.1. A number of comments was made to the effect that more information on services should be available to victims. Suggestions were made that directories of services and/or Web pages at TAPs level might help, as might a regional and local awareness campaign. It was suggested that, identification of need, including baseline information, should be an ongoing activity.

4.2. At an individual level it was proposed that there should be someone to speak to a victim, or his or her family, to establish needs.

5. SERVICES

5.1. A substantial number of detailed comments was made regarding the provision of services to victims. These included a call for the review of the Special Purchase of Evacuated Dwelling Scheme, financial help with the purchase of a new home and the need to ensure that a victim with disabilities had accommodation appropriate to their needs. The idea of “fast tracking” of victims by the Social Security Agency was also put forward. In relation to education it was suggested that trauma awareness training should be provided for teachers and that financial assistance should be available for “educational catch-up” for those who had lost out as a result of the Troubles. Funding for the re-establishment of businesses which had to close and to help victims set up new businesses was also proposed.

5.2. Very many comments were made regarding health and social services. These included the need for victims to be “fast-tracked” for help such as orthopaedic surgery; a review of trauma services; more training for statutory and voluntary groups in Cognitive Behavioural Therapy; more help for carers; better awareness of victims issues and collection of data on victims by social services; more specialist psychiatric services. It was commented that there was need for GPs to be better educated regarding victims’ issues and for them to be more aware of the services which are available and to which their patients might be referred. Some felt that more use could be made of health visitors and community practice nurses in meeting the needs of victims.

5.3. The Trauma Counselling Service available to victims/survivors was seen by some to be a positive step. However, suggestions were made that there ought to be centres of excellence for individual and family counselling and that counselling service providers should give clear statements as to the standards of services, qualifications and accreditation of counsellors. Waiting lists for counselling and chronic pain management services needed to be reduced. Some felt that there should be free access to alternative therapies (eg reflexology) as part of a broad spectrum of services and that an exploration of the benefits of alternative therapy services was required.

6. FUNDING

6.1. A number of calls were made for increased funding. Some felt that long-term funding to secure services and to reduce the competition and insecurity that exists within the victims sector was required. Some felt that different groups such as ex-prisoners and bereaved families should not be competing for the same funding. The application form for Peace II funding was considered to be unduly complex and the emphasis placed on training by European Union funding programmes was considered unhelpful, given that the age profile of members of victims/survivors groups was rising and retraining for employment was considered by some to be of decreasing importance.

6.2. The additional money provided through the OFMDFM Strategy Implementation Fund was welcomed. However, many felt that the overall level of funding was inadequate. Some commented that any additional funding should not be directed into the Health Service as victims’ groups were better qualified to address the issues. In general the main issue relating to funding was that of sustainability and the difficulties encountered by groups in operating under current short-term funding arrangements.

7. RESEARCH

7.1. A variety of comments was made regarding research in relation to mental health, bereavement therapy, Post Traumatic Stress Disorder, Personality Disorder Specialist Services and the need to look at techniques used elsewhere which might be adapted for Northern Ireland. Research was also needed regarding the high suicide rate and its relationship to the conflict.

8. GENERAL VIEWS ON CONSULTATION PROCESS

8.1. There was some appreciation of the efforts being made by the Victims Minister to consult and involve a wide range of individuals, groups and organisations in the next phase of victims' policy. However, views were expressed that more or less the same ground had been covered in previous consultations over the last few years.

9. COMMUNITY ISSUES

9.1. A range of views was expressed that the power of paramilitaries needed to be broken; that people were still living in fear and that fear of moving outside one's own locality would leave a legacy for future generations; that there was a need for more long-term funding for communities and for cross-community work; that people were misled by some local politicians who took a sectarian view; that slogans and flags are perpetuating hatred and that integrated schooling and housing were important. Some commented that there needed to be more police on the ground and that "terrorists seem to get everything". It was also commented that the wives and members of the security forces felt that they had been forgotten.

9.2. It was suggested that it was important to listen to the views and fears of young people as they were suffering the repercussions of the conflict.

10. FAMILIES/CHILDREN

10.1. The importance of the family to society was noted. It was pointed out that many men and women had lost partners through the troubles and have been left to raise children alone. Some of these parents had to give up work. It was suggested that any barriers to childcare for these parents should be lifted. The problems of isolation of ex-UDR members who could not tell their neighbours about their job was commented upon.

10.2. Some felt that money should be put into a trust for children of victims and that the suffering of siblings should be recognised and a fund set up specifically to help them. Reference was made to young people being drawn into paramilitary acts at a very young age as "invisible victims" and to the trans-generational impact on families affected by the conflict.

11. RURAL ISSUES

11.1. The problems of rural isolation were commented upon, particularly in relation to difficulties in accessing services, problems with transport and the need for outreach services. People who were forced to move away from property along the border needed financial assistance to re-establish farms; this included people who had suffered in the early stages of the Troubles.

12. CLERGY/PASTORAL CARE WORKERS

12.1. Clergy and faith workers identified a need for personal and spiritual support, pastoral care and supervision to prevent burn out and overcome feelings of isolation. There is a need to develop a networking system for clergy and faith workers and to provide opportunities for cross-community clergy/ministry contact. More contact with psychological therapy groups and an exchange of dialogue and learning would also be useful as would in-service practical training, eg as expert counsellors.

12.2. It was suggested that there was a need for representatives of the clergy/faith workers to be involved in the work of government through a forum or similar body and that the way forward should be for the Victims Unit, the Victims Liaison Unit, the Health Service and Churches to work together.

13. VICTIMS COMMISSIONER

13.1. There was a divergence of views on the need for a Victims Commissioner or Ombudsman. Some felt that he/she should be appointed on a dedicated long-term basis; should not be a civil servant and should come from grass roots level. The Children's Commissioner was put forward as a possible model. There should be one central agency dealing with victims. Others questioned the need for a Commissioner given that all the required structures are in place.

14. RECOGNITION AND ACKNOWLEDGEMENT

14.1. A wide range of proposals regarding the attention that ought to be paid to victims were put forward. These covered such matters as a call for the UDR/RIR to receive some recognition equivalent to the George Cross given to the RUC and for other organisations such as the Fire Brigade and Customs and Excise to be given some form or recognition.

14.2. Some views were expressed that all victims should have equal recognition and that it was not right that larger atrocities attracted all the publicity. Concerns were also expressed as to the role of the media in that victims could be re-traumatised and perpetrators glorified. It was noted that the Government had given recognition to some extent, but some felt there should be some form of written acknowledgement of the price paid by those who have been injured or killed as a result of the Troubles. It was suggested that more attention ought to be paid to those who had been injured as opposed to those killed.

15. MEMORIALS

15.1. Various views were put forward as to a memorial to victims. These included proposals for a memorial garden to cover Crown Forces and civilians. The idea of separate memorials to civilian victims was also proposed. Some were opposed to any memorial which included both innocent victims and perpetrators.

15.2. Some who would have liked to see some type of memorial recognised that it would be contentious. Others felt that resources would be better spent on a pain clinic for victims instead of a garden of remembrance, or other such form of memorial.

16. REMEMBERING/STORYTELLING

16.1. A number of views was expressed that victims needed an opportunity to tell their individual stories, perhaps in the form of a book, and to share their experiences.

17. TRUTH AND JUSTICE

17.1. This subject received substantial attention and a very wide variety of views was expressed. These included comments that all participants in the conflict, including the British and Irish governments should admit their roles and responsibilities. The view was expressed that not enough was being done to help victims' families find out more information about how the death of relatives was investigated or to help them understand why no one had been prosecuted.

17.2. It was suggested that before the people of Northern Ireland can be properly reconciled, they must be content that the truth regarding various matters becomes common knowledge and that justice has been done. Some thought that if acknowledgements of wrongdoing were offered, perhaps people could then move on. However, it was also stated that not everyone will be happy with whatever version of the truth they are given. A matter of concern was whether the truth could be obtained when individuals feared the consequences. There were objections to an amnesty forming a part of any truth and justice process.

17.3. While the view was expressed that all murderers should be jailed for life, others felt that the emphasis should be on truth and healing. The problem of separating truth and justice was discussed, with the view being expressed that separating truth and justice would cause pain to the victim or his/her family; it would be a very delicate matter to determine whether the benefits arising from the separation of truth and justice were for the greater good. Some expressed the view that it was unclear how a truth and justice process would work.

18. INQUIRIES

18.1. Views expressed ranged from concerns that open inquiries are not always in the best interests of victims and their families; that inquiries forced individuals to relive trauma and that public inquiries were a waste of money. However, some took the view that a specialist team to investigate what happened to their loved ones would be a good idea.

19. TRUTH COMMISSION

19.1. It was suggested that a small committee should be appointed to take forward the truth and reconciliation agenda and that politicians should not be included on this committee. The idea of some form of Commission led by three people not from Northern Ireland was put forward.

19.2. Criticism was expressed that Truth courts, South African style, would not be appropriate in Northern Ireland while some opposed the whole concept of a Truth and Reconciliation Commission being set up. It was suggested that, without a complete end to terrorist activities it is premature to establish a commission type forum and that too much is still disputed to enable a satisfactory "truth" to be accepted by all parties. There was some feeling that victims wanted to move on and that a Truth and Reconciliation Commission would not bring healing as different people take different roads in order to cope. Others felt that a Truth Commission entailed some form of amnesty and that they would have difficulty with that.

20. RECONCILIATION & HEALING

20.1. It was suggested that reconciliation and healing cannot be taken forward before Truth and Justice is achieved and that public apologies might be a way forward. Others felt that reconciliation could not be achieved while paramilitaries still exist and without a stronger attack by government on terrorism. Some felt that reconciliation, though a laudable objective, was over ambitious for the moment; unless progress on closure for the victims and relatives happens. It was suggested that it might well take one or two generations to pass before the rawness of recent events can even begin to heal. Views were expressed that reconciliation would remain difficult before the conflict ceased and all the arms were in.

21. COMPENSATION

21.1. Many comments were made to the effect that the compensation system should be reviewed. These comments related to detailed matters relating to the legislation and administrative processes. For example it was argued that the system should be speeded up; that compensation for loss of business was inadequate; that the system treated certain members of the security forces unfairly and that recent changes to the compensation arrangements should be made retrospective so that victims of earlier incidents would benefit. Some people found the concept of compensation irrelevant or even distasteful: they took the view that the loss of a loved one can never be truly compensated.

21.2. It was suggested that the compensation system was easier for victims of non-troubles related incidents and that earlier victims have not received equitable treatment. The compensation and associated court processes were regarded as undignified for victims with no compensation for “loss of love”.

22. JUSTICE SYSTEM, LAW & ORDER

22.1. Concern was expressed that people did not know how cases were investigated and how decisions not to reopen certain cases were made. People needed to know why no one has been brought to justice and why the investigation has never been reopened. Some felt that the PSNI needed more resources to pursue unsolved murder cases and that if the authorities tackled terrorism and racketeering more effectively this would bring solice to victims. Greater police protection in the workplace was an issue for some.

22.2. Some complaints were made about the costs involved in obtaining details of the inquest for each person involved and that relatives were not informed when the inquest was to be held and had great trouble getting information released. In relation to the courts, some felt that victims were made to feel like perpetrators and that judges should be accountable to some form or governing body. Calls were also made for a review of judicial sentencing and for free and rapid access to legal services to be available.

23. NORTHERN IRELAND MEMORIAL FUND

23.1. Some aspects of the Fund were praised, eg that it had been helpful with home adaptations and is generally a good vehicle for small amounts of government funding to be given to victims. However some felt that there was a need to review criteria and change rules. For example, people should be able to apply more than once under the same scheme and siblings of victims should be able to access the Fund.

24. GREAT BRITAIN

24.1. It was suggested that victims in Great Britain should receive equal treatment to all other victims and that they needed an embryonic support group.

Witnesses: **Rt Hon Paul Murphy**, a Member of the House, Secretary of State for Northern Ireland, **Angela Smith**, a Member of the House, Parliamentary Under-Secretary of State, **Mr Mark Sweeney**, Head of the Rights and International Relations Division, Northern Ireland Office; and **Mr John Clarke**, Head of the Victims Unit, Office of the First Minister and Deputy First Minister, examined.

Q837 Reverend Smyth: Secretary of State, Minister, we are delighted to have you with us. It is some time since the Secretary of State has been before us in a session, other than the times we have spent with you discussing things and we have appreciated those moments. In the absence of the Chairman—nothing to do with the fact that you are all here, it is just that he is not 100% well and we are sorry that he is not with us today—I have been asked to take the chair in his place. I welcome you and your team and look forward to sharing views with one another as we face some of the issues that are before us. We are dealing with the past and, of course, that comes from your statement of 27 May 2004. Would it be possible for you to explain the background to your announcement on that occasion for a “programme of discussions” about how to “deal” with Northern Ireland’s past?

Mr Murphy: Yes, thank you. Before I begin, I would like to say we wish the Chairman all the very best and a speedy recovery from his illness. I would like to introduce my colleagues alongside me, some of whom are very well known to you. Angela Smith, of course, Member of Parliament, is Minister for Victims in the Northern Ireland Office.

John Clarke is the Head of the Victims Unit of the Office of the First Minister and the Deputy First Minister. Mark Sweeney is the Head of the Rights and International Relations Division of the Northern Ireland Office. They are here to put me right if I go wrong. The background to the whole question of dealing with the past arose from a request from the Prime Minister of me that we ought to look very seriously at how best we could address the issues of over 30 years of Troubles in Northern Ireland and how they impacted upon the lives of ordinary people in Northern Ireland. We understood that was a very difficult task and we also knew that we had to tailor any proposals specifically to Northern Ireland needs because however much we can make comparisons with other parts of the world, particularly South Africa, we knew we had to look at it specifically in Northern Ireland terms and that it would not be a very easy task for us. One of the first things that I decided to do was to go to South Africa and talk with people who had been involved in the truth and reconciliation process, particularly those who had been involved in the Commission. After a very interesting week, a very, very useful week, talking

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mainly to people who had been members of the Commission, people who had been involved in the process, people who had been involved in the changes in South Africa, some of whom have been very useful friends in the Northern Ireland peace process as well, we came away with a number of proposals which we thought we should share with people in Northern Ireland. I suspect you might want to ask me some more detail about that later on. The general ideas behind it were, firstly, that we thought the situation in South Africa could not be picked up en bloc, as it were, and taken to Northern Ireland, however there were certain things that we learned from the South African process, one of which was that it could only flourish if there was political progress and that people who would have to deal with very difficult issues would only be prepared to tell their stories before the Commission if there was progress in the political sense. The other difference was in a country of 48 million people, which is South Africa, and Northern Ireland, which has 1.7 million people, there is a huge difference in size and in how people know each other. We came away with some ideas. We then decided to embark upon informal consultation to see where we would go from there. With the best will in the world, at the moment no-one would suggest that we are making huge political progress in Northern Ireland. The events of the last few weeks in particular, and indeed the events of the last few hours, indicate that there are great difficulties ahead unless we can resolve the issue of criminal activity on the part of the IRA and other paramilitary groups in Northern Ireland. It was pretty clear to me, and I can perhaps elaborate on this by answering other questions and Angela can help me out, that we could not embark on the sorts of things we would have liked to embark on until we are making greater progress but there were things we could do and doubtless we will get some questions on those during the course of the session.

Q838 Reverend Smyth: Thank you. I have been brought up in the tradition of John Robinson not to refuse light from any quarter and, therefore, I am happy to learn things from South Africa, but I wonder if even the figure of 48 million is accurate because when I visited there it appeared to me that they did not know how many people they had as they move backwards and forwards. You did refer to recent events and your recent statement of 1 March led you to the conclusion that the time was not right. Would you be prepared to give us more detail about what led you to that conclusion?

Mr Murphy: I think that all the people we have talked to since returning from South Africa, and there were lots of people, it was not done on a formal consultation process but rather talking to people, and I can tell you who they are or give you a list of the people we did talk to, were of the same view as me, that there have to be clear signs of political movement for the better for such developments to occur. If we were to have something along the lines of, but not the same because it has to be tailored to

Northern Ireland, a Truth and Reconciliation Commission we would have to have two things occurring: one is political progress and, secondly, consensus on it. I was not convinced that we could get either. One was self-evident because we were not making progress in the political sense for all the reasons everybody here knows. Secondly, there was probably no consensus overall, certainly in the absence of political progress, as to the nature of a detailed look at dealing with the past on the sorts of lines of which South Africa, for example, would be one. For instance, particularly within the nationalist community there were some who would regard the Government, for example, as being a major player in all of this over 30-odd years and they would look more towards the establishment of a more independent body which could look into a further consultation. I have not for one second suggested that we have abandoned the idea of going down a wider road, as it were, on the question of dealing with the past, I am simply saying I did not think this was the time for it and, if anything, it could be counterproductive. The idea of being able to set up quite an extensive and, indeed, elaborate consultation system on the whole question of dealing with the past at a time of really deep political uncertainty I thought would do damage to such a process rather than help it, hinder it rather than help it. In a sense, if you like, for the time being we have shelved the wider consultation until such time as we think that the people of Northern Ireland (a) would be ready for it by a consensus and (b) when we get further political progress. Personally, I hope we will be able to do that. I do not think the South African model is the model for Northern Ireland but some sort of system which allows consultation to be held is something that we could do. We also discovered in South Africa that telling stories was a very important part of the process. People from all parts of the community there and, indeed, to a certain extent it happens now in Northern Ireland, could tell stories about the past either through books, through film, through video, through museums, whatever method you would use, but telling the story from all parts of Northern Ireland we thought would be cathartic and useful. Again, it is something you have to deal with in a better atmosphere and that is an atmosphere of progress rather than an atmosphere of stalemate.

Q839 Reverend Smyth: Certainly recent events would include a situation where a state which does not allow capital punishment is faced with a body that illegally claims to have the power of the state to execute people, would it not?

Mr Murphy: In terms of what happened yesterday?

Q840 Reverend Smyth: Yes.

Mr Murphy: There is no place in our society in Northern Ireland or here in this country for any form of system which is set up against our own system of criminal justice. I think the reaction to the idea that you can deal with an unsolved murder by murdering somebody else who may or may not be guilty of that crime is nonsensical. I think everybody

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understands too that the family of the murdered man only a matter of minutes ago were saying that they really do want the courts to settle this issue for two reasons: one, because it is right for them to do so with a proper rule of law, which incidentally so far as the criminal justice system is concerned resulted from the Good Friday Agreement; secondly, because they want to get the truth and the only way to get to the truth is through the courts. There is no place for an “alternative” system of so-called justice in Northern Ireland other than that which is set up by law.

Q841 Reverend Smyth: You are aware that we have been taking evidence in private but we intend to publish a report so that our successor committee may be in a position to look at it and carry it on. Have you any intention of publishing any of the discussions that you have had with others?

Mr Murphy: I do not think it would be right to publish the discussions because they were informal and were simply leading me to think about certain things. If you intend to publish the results of discussions with people who did not think they were going to be published, that would not be the right thing to do. The general points I have made to you have resulted from discussions with different groups of people, all of which, I have to say, have been very, very sensible indeed.

Angela Smith: What we have been able to publish is a summary of the discussions and the meetings I have had with victims groups across Northern Ireland. Separate from that process, but that was fed into the Secretary of State’s consultations. That is just a very brief summary, not details of discussions, of views that were expressed during that process.

Reverend Smyth: We would not have expected details but, on the other hand, it teases it out. I want to be explicit but you know the difficulty with even a summary of views expressed. It would be helpful.

Q842 Mr Clarke: Minister, I want to take you back to your experiences in South Africa. You followed the Committee out, we visited South Africa and looked at the truth and reconciliation process there. Do you find that in many ways by visiting South Africa so soon after the announcement in the minds of those who were perhaps not supportive of the peace and reconciliation process they are able to suggest that the Government was narrow minded in trying to find a solution? We have had it expressed to us that as soon as you visited South Africa people’s minds focused too sharply on that one solution rather than giving the impression that we are open to many different suggestions as to how the past could be dealt with.

Mr Murphy: I would not agree with that, of course, because the visit was just one of a series of consultations that I had. I was just glancing at my notes here and we talked to a whole range of people involved in the victims groups in Northern Ireland and many others too. It would have been lacking if we had not looked at an international comparator as well. Angela has had a much more elaborate process of consultation on victims’ issues over the last year.

Mine was much more general than that and was trying to give me some idea as to what Government could usefully do in order to deal with the past. I suppose the nearest comparison was South Africa, not least on more than one occasion people who have been involved in the South African peace process have been involved in the Northern Ireland peace process, there has been a lot of interchange between the two. We met some of those people in South Africa, like Cryil Ramaphosa. Incidentally, it was a visit which did not involve many politicians because we thought it was important to talk to people who were practitioners in the reconciliation process. The trouble is everything you do in Northern Ireland is taken in different ways, of course. I could have gone to other countries as well but you just have not got time to do it all. The obvious one was South Africa. It was not one which we allowed to constrain us in any way. I made it clear time and time again in interviews after I returned from South Africa that we were not thinking of superimposing upon the people of Northern Ireland what had happened in South Africa, we were learning lessons from them. The lessons we learned were the importance of story telling, the importance of consensus and the importance of political progress. We also saw there were big differences too. For instance, although there are obviously political differences between parties in South Africa, of course there are as there are in any democracy, everybody in South Africa more or less believes in the same thing, which is going forward as a new South African state. All of us know that is not the case in Northern Ireland where at best what we have had is an accommodation between two very different points of view, one which wants unification with the Republic of Ireland and another which wants to continue to be part of the United Kingdom. That sort of division does not occur in South Africa, they are all going more or less the same way in their new country. That was the first thing that struck us. The second point, however many live in South Africa, was we knew that the difference in size was a very important issue because, as all of us around the table here know, people tend to know each other in Northern Ireland because it is a small place. I have certainly got to learn that lesson over the years I have been involved in Northern Ireland. That is not the case in a much bigger country, both geographically and in terms of population.

Q843 Mr Clarke: You rightly said that one of the big differences is that any peace and reconciliation process has to take into account political progress that is taking place. I think when we were in South Africa we took it a little bit further in saying that what they had in South Africa, of course, was a political settlement, not just progress. You said yourself the country can build and move forward. Given the progress that we are going to need would involve all parties, including the British Government, being party to agreeing and implementing that political process, how do you then answer the doubters who say that the Government should have no part in deciding what

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that process should be and ought to call in an independent voice from the very start to decide what should be done and by whom?

Mr Murphy: That was certainly one thing that we would have to consider very seriously, whether a body or a person would have to initiate the formal proper consultation on where we go and would that be the Government or an independent body, individual or whatever. I am rather inclined to think it would have to be. I do not think we could get the confidence, particularly from the republican/nationalist side, if it was not independent. The issue then is exactly how you get that independent person, persons or group established, but that is for another day. You would have to have someone who would have the confidence of all parts of the community. If it was seen as being one-sided it would not work. I suppose there is a limit to that because you will never get everybody to agree about everything. The two issues that we will probably touch on later, which is the Victims Commissioner and the issue of the unsolved murders, have not pleased everybody but, on the other hand, doing nothing would not please everybody either and, after all, a government is a government.

Q844 Mr Clarke: Are you suggesting that probably it will have to be an independent body which runs the process or that it should be an independent body which proposes the process?

Mr Murphy: I think proposes. The idea of dealing with the past is the Government's idea. It is hardly novel in the sense that everybody thinks we have got to deal with the problems of 30 years of conflict. There are lots and lots of different ways in which you can deal with it but I think that if the Government continued on the wider process without some form of independent assessment, because we have not decided the details of that yet, we are not in a position to say any more than that other than I think there is merit in looking at the independence of a body or a person, or persons, who would be involved in initiating a consultation process but then somebody has got to appoint the independent person or persons as well. Where do you end on all this? It does mean that you have got to get confidence, that is the point. Because Northern Ireland is Northern Ireland, even then it could be quite difficult to get people to agree who that independent person or persons would be, but we would have to try. One thing is certain, right across the board in Northern Ireland people do want reconciliation, people do want to deal with the issues of victims and the problems that have been with Northern Ireland for over 30 years, of course we do, but the situation is very sensitive.

Q845 Mr Luke: Minister, whilst we respect and understand your statement of 1 March, a number of people that we have taken evidence from have told us that this is the right time for Northern Ireland to start engaging in wide-ranging public consultations about a process for dealing with the past. Is there not a danger that closing down the promise of a process

of consultation made in your statement of 27 May will reinforce the impression that the Government has stopped listening?

Mr Murphy: No. I could not agree less with the people who have suggested that to you because we are not closing down, we are putting on hold until such time, and I hope it is not far away but who knows, when the climate is better for this to happen. The last thing I want to do is initiate a process, whatever the mechanism would be, which would founder because the political climate was so difficult. At the moment it is very difficult and, in fact, the people in Northern Ireland want to resolve the immediate difficulties that lie ahead of them. It is a question of putting it on hold temporarily, whether it is me or my successor or, indeed, preferably the devolved administration which would deal with this, because that would be the best thing, if the Executive itself and the Assembly were to initiate all these things. In the absence of that, we have to govern and it is up to us. It is important to get the message across that it is not closing down, it is simply putting on hold. In the meantime, as you know, we have done two things over the last couple of weeks which we think will address the issue of victims and people who are victims of unsolved murders.

Angela Smith: It may be helpful to say that when I was meeting the victims and survivors groups that was very much a view that would be endorsed by many of those, that they wanted a process but many of them felt the time was not right for them personally. Given that the process needs to have the support of those groups and individuals we were speaking to, I think it would be very difficult to progress at this moment.

Q846 Mr Luke: There was a split in some of the victims groups, some which were positive for moving the process on and some which were not ready, so there is that kind of duality.

Angela Smith: I think it is that division that makes it difficult to move on because you do need to have widespread support in order to make progress at this time.

Q847 Mr Clarke: Minister, we have mentioned the dreadful situation at the moment in respect of Robert McCartney and what is happening in Short Strand but I think some of us do try to take something positive from the fact that the community on the Short Strand felt able to come forward whereas perhaps 10 years ago that would not have been the case. If Sinn Fein has done anything, I think it has changed the atmosphere and brought about a situation where within the Short Strand people have felt more at ease coming out than perhaps they would have done in the past. We were on the Shankhill as a Committee last week and found that the Shankhill was still in turmoil, that the Lower Shankhill and the Upper Shankhill were still almost at war. When we spoke to members of the loyalist community they were less willing to accept the part that the reconciliation and peace process can play. Is that a statement of where the different communities

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are in terms of their progress? What can we do to try to deliver to the loyalist community something that they can trust in?

Mr Murphy: I think the big problem that comes from the local council loyalist areas in Northern Ireland is that you have to address two issues. One issue is education and the other issue is jobs. If you deal with those two things then perhaps people will get out of the cycle of deprivation and where they now turn to paramilitary organisations perhaps that would not happen in the same way. Obviously it is very distressing to see the very few people in parts of loyalist working class areas who, for instance, go on to further or higher education or, indeed, when you look at something like a 60% unemployment rate on parts of the Shankhill compared with a 4.7% unemployment rate in the whole of Northern Ireland. That does pinpoint the issue very much indeed. How you spend the money wisely is the issue that we have been looking at. We have to work with the people who have been elected for those communities, whether they are here in Parliament or in the Assembly or as members of local authorities, and do everything we can to pick those communities up and be able to give particularly the young people the chances and the opportunities that they so richly deserve. It is not an easy issue. I suppose in some respects when you talk to people who are in those communities, reconciliation is far from their lips, what they want is to be able to lead a decent life and clearly it is very important to tackle those issues. I would hope that any sort of dealing with the process would encompass everybody without exception; it has to in order to be workable. That is the one lesson we had from South Africa, that it has to encompass absolutely everybody in the political arena and social, religious and economic backgrounds.

Q848 Mr Clarke: Also, the Prime Minister's recent statement in respect of the Guildford and Woolwich attacks and the apology given to those wrongly convicted was, in many cases, broadly welcomed and it was an example of how you can deal with the past at a macro level without necessarily always having to go down into the minutiae, into the detail. It is one of the things that we have been discussing as a Committee. Do you think that it is possible even in the absence of a full blown peace and reconciliation process that the parties involved in conflict, including the state, could make a statement putting the past behind them at a macro level that would lead into a more detailed look later on when the time is right?

Mr Murphy: It is possible that could happen but there are huge sensitivities right across the board on that. Governments have to say sorry and paramilitary organisations have to say sorry. The reality is that just under 4,000 people have died in Northern Ireland and 40,000 were injured in 30 years. What is so important is to bring closure for people who have been affected by those Troubles and that is highly individual. Some people might be satisfied by a general apology but others might not be. One of the purposes of wider consultation would be to see whether such general apologies have the

impact that people think they might have upon the reconciliation process. I think a more bottom-up process where you actually deal with individual human beings and their problems is the most effective way because people differ so much. Angela's work amongst victims specifically, much more than me, would probably tell us too. When you talk to victims groups, and you have talked to an awful lot more than I have, Angela, you do understand much more when you talk to people directly who have been affected, disappeared, the O'Connor family, for instance. When I visited WAVE the other day, and I think as a Committee you probably visited the WAVE Trauma Centre, there were some dreadful stories and yet also a great deal of hope. There are places in Northern Ireland where you can go for reflection and quiet and where you can work out how best to deal with your own individual grief and difficulty that you have had to face. Like many things, it is perhaps the One Small Step that is important—the organisation in Northern Ireland. Since we are not very far away from the feast day of Wales' patron saint, St David, his last words before he died, I think, were "Do the little things", and sometimes the little things do happen to be very important when you add them all up. It is dealing with the individual groups which is very, very important. Yes, it can be important if a paramilitary organisation genuinely says they are sorry, or a government genuinely says it is sorry, and there is nothing wrong in a government saying they are sorry by the way, but whether it actually does the trick for lots of people is another question.

Mr Clarke: Can I just say, Minister, hearing you say that is very encouraging and I think there will be many people in the community who will think even hearing the Government being prepared to accept that we will have to say sorry for part of the state's involvement is very valuable.

Q849 Mr Campbell: Secretary of State, staying with victims for a moment. You said a couple of times in your introductory remarks today about the Government's need in dealing with the past and about the specific element of Northern Ireland's needs. I am just wondering how any process of dealing with the past that was going to deliver for victims, which I would have thought is a self-evident thing, would work in practice. On a practical level, how do victims feel that the specific needs of Northern Ireland are going to be delivered by your programme?

Mr Murphy: I think by something which, amongst others, your own party was very anxious to see created and that is a Victims and Survivors Commissioner. There was a definite gap at an official level in terms of being able to co-ordinate victims' activities, victims groups, the victims unit, and the need for someone to act as a champion as well as a minister who is appointed as a champion. I think that the establishment of a Victims and Survivors Commissioner will go a long way towards answering the points you have just made and also will let victims groups and victims know we take the issue tremendously seriously. However committed a

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minister would be so far as the victims are concerned he, or in this case she, has other ministerial duties to perform and the chances are that even when devolution returns you will not necessarily get a full blown minister specifically for victims. I think it is important that a minister who is designated as the Victims Minister will be able to liaise with the Victims and Survivors Commissioner but also will be able to listen to an advocate for victims, whoever that person would be. We have gone out to consultation on the precise role of such a Commissioner but, in my view, I think that particular position should make it clear to people that we take the issue of victims very seriously. Do you want to add to that, Angela, you know more about that than I do?

Angela Smith: Just at a more specific level rather than a general point on what the Commissioner will look at. One of the areas we have been looking at in talking to individuals and victims groups is services provided for victims and the issue of how victims and survivors access statutory services or look outside those services if they feel those services do not provide for them adequately. As a result of the experiences I have had of meeting individuals, and about 100 letters came in as well, I have issued a consultation paper alongside the statement the Secretary of State made on the Victims Commissioner and the Forum getting views back on how we should provide services for victims and survivors.

Q850 Mr Campbell: Moving on, but staying with victims again. Quite a number of individual victims as well as groups giving evidence to the Committee expressed disappointment that they had not been consulted about the way forward. How do you explain or respond to that?

Mr Murphy: It depends on what they are being consulted about. We are talking about a number of consultations, 3 maybe 4. If we had gone further down the line of dealing with the past, which we talked about at the beginning of this session, then what we envisaged was a very formal and proper, probably quite lengthy, consultation which may or may not have been led by some independent body or group of individuals. It was at that point clearly that the victims organisations and groups would have been very deeply consulted with. What I did was not in any sense a formal consultation, although I did talk to some people who had some expertise in victims groups. I wanted to get some ideas as to how to kick-start the proper process. As I said earlier, we did not do that because of the reason I have just described. Certainly they would have been very much part of the consultation process on that. On the issue of victims policies generally, and perhaps Angela can come in in a second, she did have quite an extensive consultation with them and I propose to have a proper consultation between now and June on the question of a Victims Commissioner as well.

Angela Smith: I think it is very difficult to meet every single victims group and every single person who wants to have an input but we tried to get to as many as possible. There was a leaflet drop in the three main

newspapers. There were seven workshops involving representatives of victims groups and individuals who were not members of groups, because I was quite anxious that it should not just be people who were members of groups but also those who perhaps felt more isolated, and children and young people, and I think I attended five or six of those in total. Then we had various meetings with individuals. I visited a number of groups trying to get a geographical balance across the whole of Northern Ireland. There will be those who did not have an opportunity to meet and talk with me at that point but the Health Boards also undertook consultations. Whilst we did not talk to everybody, I think we got a pretty widespread selection of views and opinions from people. I do not think there was any opinion area that was missed out by us taking soundings.

Q851 Mr Campbell: Quite a number of them indicated their reservations about dealing with the past, as you are probably aware. Obviously victims, and the groups that represent them, differ widely because of circumstances, and I understand that, but there is a concern that depending on what happens in dealing with the past, the variety of victims that there are and all their circumstances can be allowed to explore the background, story telling et cetera, but that should not in any way be related to the likes of perpetrators and those who would support perpetrators trying to justify their actions and using the guise of dealing with the past in order to do that. There is very deep concern regarding victims there. Have you tried to address that?

Mr Murphy: In terms of the general picture, the general point of dealing with the past we have put on hold. We recognised straight away that there would be quite conflicting views on the point you have just described in terms of perpetrators and so on. People are coming from different political backgrounds. We knew how sensitive that was but we would certainly have consulted very widely on that and seen whether we could come to a consensus on it but, as it happens, we have not gone down that road yet because in some ways you have highlighted the problem we face in the absence of political development, political movement, political progress. Can you imagine trying to deal with those issues when everybody is in turmoil, if you like, about the issues that are currently with us politically, where there is a very difficult political situation? It is hard enough trying to cope with the political situation at the moment without having it coming down to those difficult issues. On the other hand, if we get success, if the Assembly is up and running and there is the prospect of political progress, that is the time to try and tackle it, but even then it would be very sensitive and we would have to consult very widely on it.

Q852 Mr Beggs: Good afternoon, Minister. Victims often comment that issues of acknowledgement, truth and justice are important to them, yet “Reshape, Rebuild, Achieve” and the current consultation paper fail to address these areas of need. Why is that?

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Angela Smith: In terms of the justice issues, that was not a devolved matter at that point, a matter for the NIO to deal with, and the consultation paper from 1 March builds on that. That is part of a much wider process that has not been dealt with but will need to be dealt with at a later date. The sensitivities around those issues makes it very hard to deal with them in a way that resolves them. Again, I think we are putting a lot of faith in the Commissioner and the Forum to address many of these issues that have not been addressed in the depth or detail that they need to be addressed in order to look for resolution.

Mr Sweeney: May I add one point to what the Minister said which is that part of the role of the Commissioner once established, indeed a major part, as the Secretary of State has outlined, will be to act as a strong advocate for the views of victims and survivors and the Forum will hopefully assist him or her in that. When—if—consultation of the type that the Secretary of State has described stops being on hold and becomes a reality, I think one of the advantages of the fact that there will be a Commissioner there is it is hoped he or she will then be able to represent precisely the kinds of concerns that you are raising and the previous questioner was raising within the framework of that broader consultation process.

Q853 Mr Beggs: How can victim strategies cope with the fact that each victim is likely to have a complex, diverse and changing set of needs, often over very many years?

Angela Smith: One of the things I have always said in meeting victims groups is that there is not one process or one thing that the Government or any group can do that will resolve the issues, there will be a series of processes. We have tended to talk about healing the past rather than reconciliation, truth and justice, they are separate issues, and that recognises the complex needs. A moment ago the Secretary of State mentioned the economic interests in loyalist areas particularly and high unemployment. In so many of the groups I visited one of the things I come away with was benefit queries and in others it would be health issues, but from most victims groups I visited when I left I would have a series of notes of all the different issues they had raised across an incredibly wide spectrum. There is recognition of that at the highest level. Obviously when the Commissioner and Forum are in place they will have to deal with an enormously wide range of issues. Some of them might not be immediately apparent as victim issues but they are ones that affect victims in a very acute way.

Q854 Mr Beggs: Should victim strategies be focused specifically on the needs of categories of victims, such as relatives of the disappeared and those who have sought exile as a result of the Troubles and victims based in Great Britain?

Angela Smith: I think the strategies have been based on need, recognising the different needs from those particular groups. I have met with victims in Great Britain at the Warrington Peace Centre and I have met several relatives of the disappeared as well. Both

of those experiences had a profound effect on me. It is recognising that there is not one set of needs, there is a very complex range, and all of those have to be addressed individually and we need a process that can deal with them within a structure.

Q855 Mr Campbell: There have been some presentations to the Committee regarding victims groups and how they are regarded (a) as competitive and (b) as quite politicised in some regards. Is that your view and, if that is the case, if there is a perception and that is how they are viewed, how has that affected the delivery mechanism to those victims groups?

Angela Smith: The point I made to Mr Beggs was the needs of the victims is what we have looked at and they are very different kinds of groups. It is understandable that a number of the groups are single identity groups because that is a confidence issue and a security and safety issue for people. Undoubtedly that has an impact on the way groups operate but, having said that, those groups and the cross-community groups impressed me greatly. In the group I visited not far from own your own constituency, in the wider Londonderry area, I met two young women, one whose relative had been in the IRA and one whose relative had been an RUC officer, and these two women from very different backgrounds had both become victims through losing somebody they loved but had become friends and were trying to understand and get to know each other. That kind of process is incredibly valuable given the hurt they have been through. There are different kinds of groups. Other groups have a more political and campaigning role but that is valuable for their members. We have to accept there is a range of different roles that victims groups have. There are many who will not be part of any group at all and any policy that addresses victims has to address not just the groups but also individuals who are not comfortable being a member of any group.

Q856 Mr Campbell: So the make-up of some of the groups is not necessarily a bar or an obstruction to the delivery of services?

Angela Smith: It should not be because what you have to look at is the individual and if an individual has needs we have to try to meet those needs.

Q857 Mr Campbell: You said in your earlier response about the issue of single identity groups and the need for a perception amongst some of those groups about the need for security and concern about personal security matters. What are you doing to address that underlying concern that exists in some groups about their inability to pass on information, for example to Government, but their preparedness to do it in a single identity context to a victims group within their own community?

Angela Smith: I think that is an issue of Government trying to address the confidence of those communities. The Government has to win that confidence and earn that confidence. One of the roles

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that I have played in speaking to all of these groups is to ensure that the Government is working with different groups.

Q858 Mr Campbell: How would you see the Government addressing that issue so that they get the confidence to allow people to communicate more freely with Government as they do in those single identity groups?

Angela Smith: That is the work that is being undergone in terms of dealing with the past. That is the whole process we are going through at present in looking at a Commissioner for victims and survivors and a Forum to ensure that we do address those issues. It has to be to their satisfaction to give them that confidence. I have not got an easy answer to say there is one thing Government can do and that is why I think we do need the Commissioner and the Forum to ensure that we address the range of issues that give confidence. For some groups it was a security issue and in other areas it was an economic issue, they felt their particular group was not getting the advantages they felt were due to it. There were a whole range of different issues that groups expressed.

Q859 Mr Beggs: If we could look at the Victims and Survivors Commissioner for a moment. The Minister's own consultation on a Commissioner for victims and survivors elicited a "divergence of views". What proportion of consultees supported such a post?

Mr Sweeney: I do not think we have exact figures for that.

Mr Clarke: If I can say that the divergence of views was really not only whether there should or should not be a Commissioner but the degree of enthusiasm as to what a Commissioner would do and what the role would be. Some people did feel that they would support a Commissioner but wanted greater clarity as to what the role would be. That is what we are trying to do in the present consultation, to spell that out. It is not a clear divide that some were for and some were against; there was a gradation of views within that.

Q860 Mr Beggs: Victims are presently the responsibility of a minister. How do you persuade them that the establishment of a Commissioner is not to downgrade their concerns?

Mr Murphy: I think it should enhance the position of victims because it is not instead of, it is as well as, so you have a ministerial advocate for victims and survivors but you also have someone who is now a Commissioner acting as a person whose entire job is about being a champion for victims but also, of course, although this depends a bit on the consultation, on how that person will be administratively responsible for victims issues as well. The mix between all those different things is some of what the consultation is about, the relationship, for example, between the Minister and Commissioner and how far is the Commissioner a champion and advocate as well as running victims issues. It is going out to consultation on what are

quite difficult areas because this is something quite new but we need to talk to people about it. We have got commissioners in other fields, we have got the Children's Commissioner in Northern Ireland, and we have got various commissioners as a result of the implementation of the Good Friday Agreement, but this is completely new and that is why we need to talk to people about how they fit these different roles in with a new system.

Q861 Mr Beggs: Why does it take the Commissioner to do that when there is presently clear ministerial responsibility?

Mr Murphy: As I said earlier on, I think it is fair to say that unless you specifically have a minister whose sole job is to deal with victims then inevitably it can only be part of a ministerial job in the same way we have ministers who have responsibilities for children in Government and there are Children's Commissioners who act as a very special champion and advocate. The actual role and relationship between ministers, commissioners and administrators is something we are going to talk to people about over the next few months because it is a very important area to examine.

Q862 Mr Beggs: Will victims be involved in any way in selecting the Commissioner or at least contributing to the personal and job specifications? What process will be used to select the Commissioner?

Mr Murphy: I think that first of all the idea of people who are involved in victims groups in the consultation suggested that the method by which they could be appointed is not a bad one. The actual method of appointment I would guess is the method that is laid down at the moment.

Mr Sweeney: As the Secretary of State says, the consultation is a vehicle for people to shape the actual role. As to the job and person specification, I imagine, particularly if the individual was to be involved in administering or advising the administering of public funds, they would need to be a public appointment, so they would need to go through the usual procedures of an independent public appointments process and that would be fully open. Criteria and a job and person specification would be made available as part of the pack for that and that would necessarily be informed by the results of the consultation on what the Commissioner's role would be.

Q863 Mr Beggs: What assessment has been made of the likely cost for this new post?

Mr Murphy: Between half a million and one million pounds.

Mr Clarke: We are consulting upon the actual functions as well.

Mr Murphy: We cannot give a precise figure until we know exactly what the person is going to do, but between half a million and one million pounds is a guesstimate. If we get very strong views coming back after consultation that the Commissioner should do this or that, or not do this or that, that will determine the precise nature of the cost of it.

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Reverend Smyth: That is true, but do not forget you do not start to build a tower if you have not counted the cost from where you have started.

Q864 Mr Beggs: How do you reconcile the creation of another new body with responsibility for helping victims and survivors with the aim of creating a one-stop shop for victims? Is there not a danger that victims will see more and more money being spent on bureaucracy and money not getting to them?

Mr Murphy: I think as a result of the consultation we will see if they really do feel that. I hope they do not. I hope people see this as being something which is very specially created in order to ensure that people's awareness of victims issues is now much higher and they would see this person as being someone who could really speak up for them as victims groups throughout Northern Ireland. Clearly we will get some ideas when we go through the consultation process whether my views are accurate or not. At a very general level, I think the bulk of victims groups would welcome the appointment of a Commissioner but the detail will come later.

Q865 Mr Tynan: Minister, I am obviously delighted you are here this evening. I would like to come to the issue of victim support groups and the financial support that is given to them. How much at present—2004-05—is the total annual Government budget for support of victims?

Angela Smith: The total 2004-05 for support of victims comes from a wide range of sources. There are programmes managed by the Office of the First Minister and Deputy First Minister—OFMDFM—specific funding from them of some £5 million. Looking across at the Victims Unit programme funds, the Strategy Implementation funds and other funds, including EU measures, those came to around £5 million in 2004-05. Around £28 million has been provided from all sources up to March 2004.

Q866 Mr Tynan: That is not only from Government sources?

Angela Smith: That is EU Peace 2 money that is included in that as well. There is a range of sources.

Q867 Mr Tynan: I was looking purely for the Government figures, not the EU figures.

Angela Smith: It is £1.3 million, so we are talking about just under £4 million.

Q868 Mr Tynan: I was in the Shankhill with the Committee last week and one of the groups we visited was staffed by courageous people, people who are doing a tremendous job in order to assist victims of the Troubles in Northern Ireland and they find themselves in a situation where they do not have the money or the money is drying up. From what they have said to us, although they are greatly valued by the victims, they have little security as regards funding and some of them rely heavily on European funding which will dry up in the near future. Since the problem of the victims is going to be with us for a considerable period of time, would you not agree

that support for those victims groups has to be a major priority of the Government? If they are going to lose European funding I do not think they can be left in isolation, they have to have that support. Would you agree with that?

Angela Smith: I think it is one of the things that the Commissioner has to look at in terms of funding of groups. There is a core funding scheme for the groups that has been extended to 2005-06 and the consultation paper's proposal is to set up a three year plan for victims groups in each Health Board area. If those plans are rolled through year on year we need those plans to inform future funding decisions. A lot of groups provide services that in some cases the Boards or trusts buy into, counselling services for example, so some of the groups get funded in that way but there is a whole range of different avenues of funding for groups. I have not got the figures for all the Government departments, that would be quite complex to look at. I imagine that would be quite an early task for the Commissioner to look at those funding issues.

Mr Tynan: Obviously the groups we have spoken to have concerns about the longer term funding because there seems to be short-term funding and they go from crisis to crisis every year. Obviously if the Commissioner is going to look at that then that is something that would be worthwhile as regards the Commissioner's role. I am sure the groups would welcome that if it means that at the end of the day they have security regarding the long-term funding. Could I turn to another issue which is the greatest number of casualties that occurred in the early 1970s when support through criminal injuries compensation was much less generous than it is at the present time. What has been done, if anything, to redress the inequality in the help for victims who missed out on what they would think was appropriate payment as regards criminal injuries?

Q869 Mr Luke: Before you response to that, can I reinforce that point because there is also the issue about money moving from the ending of the Peace 2 programme and the transition from Peace 2 to whatever replaces that. That was a general worry about the funding.

Angela Smith: The number of groups has increased enormously and the number of people accessing services from groups has increased as well, so I think that is an ongoing issue. As I was saying to Mr Tynan, if the Commissioner can look at that issue fairly early on it can give some sense of security to those groups so they can have some certainty in their future. On the issue of disparity of treatment, we recognise that compensation arrangements in the early years of Troubles led to awards being made then which nowadays would be considered inadequate and that was a grievance of a number of people I met. Some of the early widows brought up children on their own in quite remarkable circumstances. We talk about numbers of people but when you talk to individuals about the circumstances they lived through at that time you can understand their grievance on this issue. There is a lot of money put in, £28 million, supporting the

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work with victims. This includes support through the Northern Ireland Memorial Fund that has been made to earlier victims to help alleviate difficult circumstances they may have but it is not an issue that has been addressed in terms of providing additional compensation at this stage.

Q870 Mr Tynan: Would the Commissioner look at that? Would that be part of the Commissioner's work?

Angela Smith: It could well be if as a result of the consultation that is one of the issues the Commissioner is to look at. We are still consulting on exactly what the remit of the Commissioner would be.

Mr Sweeney: You will probably find, once the Commissioner is established and the Victims' and Survivors' Forum has been established by the Commissioner, that issues like that are certain to be raised and the Commissioner will therefore have to consider them. The process of deciding what he or she will consider will not stop with government at all and that is part of the intention.

Mr Clarke: Let me say a little bit extra in relation to the sustainability groups and the reassurance about future funding. Part of the consultation paper which has been mentioned to you relates to a three-year rolling plan to be developed among all of the agencies, the victims' groups and the statutory sector. The idea of that is to create a three-year planning horizon in which people can start to operate and see at least for some time ahead how service development is to be carried forward with the involvement of the groups. Part of that notion is to address the issue, which has been put to me in discussion with victims groups, of insecurity in relation to the future.

Angela Smith: There is tension between the groups themselves on this. There are groups that have staff and administrative support. There are others that are volunteers who do not receive core funding and the tension between those two different types of groups is quite acute at some times. It is quite a tall task to ask for the Commissioner to look at all those issues. It has to be addressed in the round looking at all the different types of groups that there are: those that provide services, those that are befriending, those that have staff, those that do not have staff. Some have professional staff that they have trained up professionally for counselling.

Q871 Mr Tynan: I think it is important that you recognise that because obviously the victims groups have made it very clear that they are concerned about the short term nature of the funding at the present time. If they had some security then obviously they could do a far better job than they can do at present, although they do a marvellous job.

Angela Smith: A three-year rolling programme would benefit them enormously. Several victims and victims groups have complained about the amount of money that is spent on needs assessments and similar studies. The consultation paper refers to several more studies being under way or proposed.

How much do you expect these various studies to cost and how can you convince people that this will be money well spent?

Mr Murphy: I do not think it is possible at this stage to put a figure on that. I do appreciate that when the needs assessments are undertaken it seems to some people that they could find a better use for that money, but it is important to scope to see what the needs are. There needs to be a more systematic and comprehensive method of assessing needs so that we do not duplicate effort at any time and that is proposed in the March 1 consultation paper, and again if we can look directly at the services that are provided that would be a way to assess the needs and the provision of services related to that. Sometimes what has not been clear is the connection between the needs assessments and the progress on the ground, so it seems as if it happens in a vacuum. We are hoping that through the consultation paper we can get views on this, that we can make connection in people's minds so that they do not see it as some sort of isolated, separate process.

Q872 Mr Tynan: I think the fact that the consultation process is taking place gives an opportunity for the groups who feel that needs assessments are taking up too much time and too much money and are not directed in the right direction to make their views known, so I am sure you will receive considerable representation on that. The consultation paper on that basis is to be welcomed. It is important to convince people that this is not money being wasted; it is money being directed at needs.

Angela Smith: We have to show people the purpose of it and if we fail to do that they will complain again, so it is key to show the purpose of the needs assessments.

Mr Clarke: The needs assessments proposed in the paper emphasise the fact that the victims groups will be involved in the process.

Q873 Reverend Smyth: If we could turn away from money and look at the question of justice, you have made a statement, Secretary of State, about the Serious Crime Review Team. It is a little bit early but are you in a position to report any progress on it?

Mr Murphy: Do you mean on the policing of the past announcement that we made yesterday?

Q874 Reverend Smyth: That is right.

Mr Murphy: Not yet. It was only announced yesterday. It has been with the Chief Constable's team over the last number of months—I do not have the details of that but I am sure we can provide you with them if necessary—but so far as the announcement yesterday is concerned, we thought it was necessary because of the 1,800 cases of murder which are unsolved since 1969 to 1998. We did really want closure to come for the families of the victims. The only way we can do that is by investigating them. In some cases it may be that it will lead to judicial proceedings; in others it may not. In others the family may require something different, but the point is that in each individual case there is closure

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about something which obviously is of enormous importance to those individual families. We have set aside, as you know, between £30 million and £32 million over six years to deal with this issue and there will be a new review unit headed by a recently retired commander of the Metropolitan Police, Dave Cox, plus officers who are both serving and retired from the PSNI and other police forces of the United Kingdom. The purpose of that, of course, is that there will be a separate unit altogether from the police so that the police can get on with policing what is happening now rather than trying to police the past as well, and the complication both in terms of resources and of manpower is enormous. That is why this has been set up. We think that there is general support for this particular development and we hope that it will, as I say, bring closure for literally hundreds and hundreds of families in Northern Ireland who have been affected by the Troubles over those years.

Q875 Reverend Smyth: Have you consulted with the bereaved families about what they want to obtain from such a review process?

Angela Smith: In all the work we do, whether it is as the Victims Minister or any of the ministers out and about in Northern Ireland, families tell us their views on this one. I have met a number of families recently who feel very aggrieved in that they do not feel their investigation has been adequate. In some cases it is clear that we will not be able to get to the perpetrators; it may not end in a conviction, but the fact that people are trying to get evidence and information for the families means a great deal to people.

Q876 Reverend Smyth: Is it more information that they will be looking for, because often a crime takes place and nobody comes back to tell folk what has happened, or are they waiting for judgment?

Angela Smith: Different people will be looking for different things. I have had some people say they just want to know what happened; they do not care if it ever goes to court. Others are saying that they are not looking for revenge; they just want justice. It is not possible to say that victims and survivors want something because everybody will react differently, but there is a whole range of opinion. Most people who have raised this with me want a case investigated further.

Q877 Reverend Smyth: You understand there will be difficulty in bringing a summons to a conclusion, but if there are cases which are successful in bringing perpetrators to court how would you expect the legal system to deal with them? For example, should an amnesty be made available or a form of conditional release, as in the case of early releases under the Belfast Agreement? We understand that there might be differences between those cases which took place before the Belfast Agreement and those subsequently. What way do you expect the court to deal with them?

Mr Murphy: It will depend, of course, on the individual case but as to whether the sentence is different because of whether it was under the terms of the Good Friday Agreement or not, at least there will have been a proper prosecution and investigation into that case so that people know what happened. I think very often that is all they want. It could be that on the other hand it would go much further than that. It will depend individually on the case.

Q878 Mr Tynan: Have you had any suggestions from the bereaved families that some of them may not want the prosecutions because they believe that it would mean that they would have to relive a situation that they experienced in the past? We have been told that many of the victims know who committed the crime and they just want to move on. Have you had any indication that that is the situation?

Mr Murphy: Operationally it is, of course, a matter for the Chief Constable in all this, but obviously, because of the nature of a lot of these cases, much of it will depend upon the wishes of the family. No-one will want to drag a family, perhaps if they are elderly as well, through a complicated court process if they do not want it. Some would though. Some want to see justice done because of the murder of their loved one. Others would take a different view. We do have to look at it on an individual basis as we go through, but one thing that is certain is that unless we attempt this particular project there will be many people in Northern Ireland who will regard themselves as being let down.

Q879 Mr Campbell: I appreciate there is a diversity of views amongst relatives, but on the issue of those who want to see justice I would put forward the view that they are going to be quite numerous. For those people whose relatives were murdered prior to 1998 how would you reconcile their demand for justice and what is likely to follow if there is new information and the perpetrator is identified? How are you going to reconcile their demands for justice and the inevitable outcome of that person coming before the court with the conditions of the early release scheme?

Mr Murphy: That issue is not a new one. The issue was the same when the decision to have early release was taken at the time of the Belfast Agreement. I think it will be very difficult, if not impossible, to have different procedures now from 1998 when the Agreement was signed, because people who felt aggrieved by the points you make would obviously still feel like that except that this is under a different dispensation. In other words, the argument, the discussions, the debate about those things occurred in 1998, not now. We cannot do things differently now from how we treated people back in 1998.

Q880 Mr Campbell: I suppose what I am saying, Secretary of State, is how are you going to avoid those people feeling a sense of frustration and anger and isolation a second time if they felt like that—and they did, many of them—in 1998, and now we are

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opening up the prospect of them seeing some form of closure and they go along with the process, even though they felt the way did seven years ago, and new evidence is forthcoming in a case or cases and the perpetrator is identified—

Mr Murphy: But is let off under the terms of the Belfast Agreement?

Q881 Mr Campbell: Yes. With all of those feelings of anger and frustration that they felt seven years ago, how would you prevent them feeling that sense of injustice a second time?

Mr Murphy: Because they would face trial but, of course, the sentence would be different because of the law as it now stands.

Q882 Mr Campbell: In that they would not get one?

Mr Murphy: I do not think we can do much about that, to be perfectly honest. The law is there in terms of the release of prisoners under that scheme, but at least people would know that they have been properly tried and convicted of the crime which they committed. Obviously, some families might be concerned about whether the sentence was appropriate, but I do not think there is an awful lot you can do about that.

Q883 Mr Campbell: But do you accept that some people might feel that, far from the process being moved on, it might re-open old wounds that were beginning to heal?

Mr Murphy: It is up to the family. If the family thought that by having the trial and a conviction that would bring closure for that family as opposed to having nothing at all, that is the choice to be made, it strikes me.

Q884 Mr Clarke: Colleagues will have been reading of the case of Anne Service who is still trying to get justice for the murder of her son Brian, who was murdered by the UDA six years ago, at a time when we are asking those responsible for killing Robert McCartney to come forward, and we have evidence as to the names of those but not evidence that can at the moment secure a conviction. How can we answer criticisms by people such as Anne Service that we spend a lot of money on cold cases pre-1998 and yet we are not in a position to bring to justice those who carried out crimes such as the murder of Brian Service six years ago when we know who was responsible but we cannot get the community to give evidence?

Mr Sweeney: Can I just answer on the case of it having happened since 1998 in the sense that the PSNI already have a Serious Crime Review Team and what they do is review cases like that where there has not been the possibility of a prosecution or even charges being brought. The injection of resources to deal with cases between 1969 and the date of the Belfast Agreement does not mean that the team will lose its capacity to review those things. The Chief Constable continues to have that capacity. I do not know the detail of the case that

you are asking about but the opportunity ought to exist. As to the question of intimidation of witnesses, that is a separate issue.

Q885 Reverend Smyth: One of the difficulties is the question of evidence if you have court cases. One issue I was a bit concerned about, Secretary of State, because I heard it on the floor of the House from the Prime Minister today and you repeated the phrase, was that that would be the responsibility of the Chief Constable, to arrest people.

Mr Murphy: Yes.

Reverend Smyth: But the interesting thing, of course, is that if the Chief Constable is not doing his job it is the responsibility of ministers, like the Home Secretary did, to demand the resignation of that Chief Constable. It is the degree of accountability that has been causing concern.

Q886 Mark Tami: Secretary of State, Minister, when we have taken evidence a number of witnesses have raised what they see as a growing culture of victimhood in that the majority of people see themselves as victims but few people are prepared to see themselves as perpetrators. What is your view on that? Are you concerned about that and, if you are, what do we need to do to get some balance in that people do accept that they are part of it and have caused suffering to others?

Mr Murphy: It is a very real problem in Northern Ireland and goes to the heart of the Troubles. One of the reasons why we have to be very sensitive about the dealing with the past issue is precisely that people have different views on who are perpetrators and who are victims. Sometimes, when you look, for example, at *Lost Lives*, a book that David McKittrick and others have written, they simply name people who died, but to go beyond sometimes can be very difficult. The trick in terms of the general policy is I think to go back to this consensual approach to see whether we can get a consensus on how we define a victim, and that is easier said than done. That is in terms of the dealing with the past issue.

Q887 Mark Tami: Just on that particular point, I have been struck by the number of people, although not all of them, it has to be said, who have found great difficulty in accepting that, for instance, prisoners were victims rather than those who had killed or maimed their family member.

Mr Murphy: It is a fundamental interpretation of what happened over 30 years and there are big differences. Some people in Northern Ireland regard the armed forces and the police as enemies, whereas others see them as organs of the state. How you reconcile two such terribly conflicting views is very difficult indeed. At the end of the day though what we have to look at is the families who are left behind and how you deal with those people. They are human beings, all of them, and it can be a very sensitive thing to deal with.

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Angela Smith: Just taking up the victimhood part of your question, what we would seek to do is allow people to move on. I would never say to somebody, "Put the past behind you" because the degree of suffering that some people have endured is too great for that and it will always be a part of them. A lot of the work that we do with victims and survivors is putting emphasis on how they will live their lives in the future in terms of training regarding jobs, in terms of confidence-building and in terms of counselling that allows them to cope with some of the things they have to deal with that bring it back to them. A lot of work goes on around confidence and self-esteem. That in itself helps. A lot of people who are victims and survivors are unemployed and that is where the confidence and self-esteem issues have come in particularly, to allow them to go back into employment.

Q888 Reverend Smyth: Thank you very much, Secretary of State and Minister. We appreciate your answers. Are there any points that you want to leave with us?

Mr Murphy: I think we have covered all of this. It is a very interesting subject which everybody in this room has a deep sympathy for. Of course, there are different views on how you come to the same conclusions but I think everybody does come to the conclusion that we have to work as hard as we can to help victims and survivors in Northern Ireland.

Q889 Reverend Smyth: I appreciate that because I am ending my term in Parliament, God willing, and we have not yet had the person responsible for the murder of my predecessor brought to justice.

Mr Murphy: Absolutely. Thank you very much indeed and we wish you well in your retirement.

Written evidence

APPENDIX 1

Memorandum submitted by Mr David Bolton

SOME THOUGHTS ON HOW TO PROGRESS ON “THE PAST”

1. Discussions about how best to handle the past have been gathering pace with various institutions etc. considering the issue. The idea of a healing and cathartic Commission or Forum to address “outstanding matters” has been around in various forms but with no clear view as to what precisely such a process would address, how it would be done and whether any initiative would in fact make a contribution to progress at this stage.

WHAT DO WE MEAN BY “THE PAST”?

2. This means different things to different interests. For some it means very specific outstanding judicial matters. For others it has to do with a wider sense of “justice”—sometimes not very specific (and which at its root might mean something else other than somebody been arrested, prosecuted and imprisoned). In that connection, for some it is a psychological matter to do with acknowledgement, (perhaps compensation), the need to see someone else punished or held account, to be remembered (or have one’s loved one remembered) in some way as one who has suffered, served, etc.

3. For others it has to do with relationships and the need to establish new (for the first time) or heal broken relationships, or is seen as a spiritual matter—to do with our relationship with God and each other.

4. Clarity is needed. A distinction needs to be drawn between the state’s need for formal matters to be dealt with (ie judicial matters) and the possible objectives and benefits of any initiative over and above such goals.

WHO IS INTERESTED IN ADDRESSING THE PAST?

5. There are a number of interests that to one degree or another have an interest in seeing the past addressed. These include:

- Some of those affected by violence.
- Governments to enable the political process to progress.
- Political parties to the extent that they see the victims issue as requiring attention.
- Business—to promote a positive image of NI and to create improved conditions for investment and stability.
- Some of the churches-faith communities for religious reasons.
- The community relations community.
- Other social partners.

JUDGING HOW BEST TO PROCEED

6. To embark on any measure to address the past we need a number of key tests against which proposals could be examined. These could include:

- (a) Any initiatives will make a distinctive and positive contribution to progress.
- (b) They will secure specific and agreed outcomes aimed at helping those who have been most directly affected by violence.
- (c) They will enhance relationships and trust.
- (d) They will secure sufficient support and engagement across the community.
- (e) They will not be misused for political or sectional advantage.
- (f) They will be cost effective.

These are challenging tests.

7. At this stage in the political process when most of the key features of political change are in place, any initiatives will require the voluntary engagement of individuals and organisations. It is probably doubtful that the engagement in a collective quasi-judicial forum of for example, paramilitaries, security forces and governments could be secured in sufficient measure to produce a positive effect.

8. Clarity on what it is intended or requires to be addressed, is needed to assist in determining what could and should be done. There appear to be at least three main areas of “outstanding matters”. These are:

- (a) Justice issues—which takes a number of forms for different parts of the community.
- (b) Acknowledgement, recognition and remembrance issues which likewise means different things for different groups etc.
- (c) Health and Welfare issues—which relates to the direct personal consequences of violence (pain, disability, grief, trauma etc) and related direct impacts on personal opportunity and development.

9. Each of these requires different responses and the nature of the response will be determined by the capacity of the community to address these issues.

10. It is not likely therefore that one single initiative will be able to address all these issues at once. Indeed any effort to do so could flounder as it would be very complicated.

JUSTICE ISSUES

11. Justice issues produce different and powerful responses depending upon who or what interest is calling for justice. Some justice claims might be underpinned by political motives or the desire for political outcomes. Some claims represent the desire for fairness, clarity or “truth”, accountability and the continuing desire to advocate on behalf of those who have been killed, for instance. Also, the conflict has been more complicated than is often presented or assumed. It is clearly more intricate than seeing the conflict in terms of republicans and loyalists, or by including state security service as a third party.

12. The challenge of addressing justice issues is well known. Again perspective plays a part in determining what requires a justice response and what institutions and processes are legitimate in attending to such matters. Political negotiations have led to some pragmatic decisions to hold public enquiries. Whilst solving one set of problems such decisions disenfranchise many others who feel that their experiences of injustice are being ignored. These have to do with for example, the 1,800 or so unsolved murders.

13. It might be helpful to separate the states’ objectives in carrying out (or reviewing) murder enquiries and to see what it is that families would like. We hear that some people do not want someone behind bars for the murder of their family member. So when such people say they want justice, what is it exactly that they are seeking? Processes that facilitate the sharing of information, explanation and openness about the difficulties in pursuing cases so long after the events took place might be more helpful for some, than formal judicial processes.

14. Some of those affected directly by violence might not want to be involved in any initiative as they have resolved the matter or reached an inner acceptance of what has happened. Others might have created new lives for themselves and the past is in the past. A widow remarried for many years and with a second family, might find dealing with the past in this context unhelpful.

15. Some feel that the systems of justice are in place and no other action is required other than the due process of the law. They feel entitled to this and anything else would be less than they (or their loved one) deserved. The implications of this are that any alternative process, which for example addresses the outstanding cases, has to have gravitas. It also has to pass the human rights test.

ACKNOWLEDGEMENT, RECOGNITION AND REMEMBRANCE

16. Acknowledgement, recognition and remembrance are related to the significance that people and communities place on their experiences of bereavement and violence. This area might also be relevant to people’s experience of unfairness or to how people feel they have been ‘used’ for political or other purposes. One problem with processes of acknowledgement and remembrance is that they can have a zero-sum effect (to acknowledge one is to dis-acknowledge another). Related to this is the issue of inclusiveness. Some of those affected by violence will feel more comfortable than others in having their experiences and loss acknowledged and remembered along side those with whom they have strong differences and whose part in the conflict they see very differently from their own part. The challenge is to find ways in which reverently and with due respect and sensitivity, the community can acknowledge, remember etc. whilst respecting the individual’s perspective on what is the most appropriate way to remember etc.

17. One frequently used and talked about initiative is to facilitate story telling and the establishment of archives. Much has been done in this field already. A number of such archives exist, usually confined to the group and locality in which the experiences were gathered. Localised and group initiated story collections have their place (and for some this is where their stories should remain).

18. Stories work because they are of the person; they are authentic insights into what a person has experienced, into the consequences of violence on them and their family. They have a levelling effect in that, whilst we might not agree or identify with the story teller's political view of their world, we can recognise and appreciate the human experiences of loss, trauma, disappointment, hope and triumph.

19. As personal histories these are special human stories. Should these not have a more central and honoured place in our landscape of remembrance? And what about those who have yet to tell their stories and those whose stories are yet, too difficult to tell? Is there not therefore, a place for a central collection of experiences that is granted respect in the process of collection and in the way in which stories are preserved and honoured in future generations?

20. To help us to remember well, it would be helpful if agreement could be reached for example, on the use and placement of memorials, and of other events and symbols that represent the experiences of a community or individual or family. This is not to stifle, or to neutralise remembrance, but to allow it to happen in ways that contribute to the greater good.

HEALTH AND WELFARE ISSUES

21. With regard to health and welfare issues, the focus is on those needs and outcomes that are directly related to experience of violence and which can be addressed through developing policy and services.

22. Progress in policy, in services and in other initiatives has been made. More needs to be done however, to ensure that the needs of those affected by violence are being addressed, and we should expect that for some time to come people will present with health and wider welfare related needs that have their roots in the violence.

23. Strategic health and well-being promoting measures would contribute to progress by directly addressing health and well-being needs and by providing a non-partisan analysis of needs and solutions.

24. We also need to be thinking about the needs of children. We know from the experience of those affected in childhood by abuse how devastating the effects can be on the adult. We need to be planning for these needs both in children and adult services.

OTHER CONCERNS?

25. Clearly major challenges in community relationships remain, focussed on the interface areas, but present in wider society in various forms. It would seem we need to put as much energy and imagination into addressing relationships as we have put in to the political project, and as we might put into addressing the past. The challenge of "A Shared Future" remains with us.

26. Our political discourse is still very combative and fragmented. It is important that politicians model good relationships and consideration.

27. There is the feeling in the wider community that ordinary people no longer have a role to play. For reasons we all understand, politics has been at the forefront of change, but this has disengaged the contribution and interest of ordinary people, or caused them to avoid facing the need for change or to recognise that they too have a part to play. As each political crisis unfolded since 1998, increasingly they were solved by negotiations between Governments and parties and the wider civic contribution seemed irrelevant and at times unwanted.

THINKING CREATIVELY?

28. Inevitably Governments work and think in terms of policy, processes, measurable outcomes etc, all important and well tried mechanisms for delivering progress and change. Is it possible however, to draw upon the creativity and imagination, upon the instinctive good will and human compassion and understanding of people, to bring about change? How might such a potential source of energy be enabled to make its contribution?

29. There is a need for the evolution of shared histories, which for example would ultimately be found in school curricula. With honest language and appraisals of history—this is a critical one for future generations.

FINAL THOUGHTS

30. There is something about a mature community being able to attend to the needs and concerns of its members in ways that are able to acknowledge its own collective shortcomings in the tragedy that has befallen us all, in ways that are forward looking, anxious to make progress. There is something about being able to do these things in ways that are not intended to cause affront and where the last pound of flesh is not required.

October 2004

APPENDIX 2

Memorandum submitted by the Corrymeela Community

Dealing with the past has been rising rapidly up the Northern Ireland political agenda and the UK Government has been indicating that it wishes to consult widely on establishing something like a truth and reconciliation commission.

This proposed initiative comes after the publication of the Cory Report which called for public inquiries into four controversial murders which may or may not involve State collusion. The Bloody Sunday Inquiry is also ongoing and has consumed more than £100 million and counting. There are real issues about the cost of lawyer-dependent public inquiries and the police ability to meet the demands for re-investigation into 1,800 unsolved murders during the “troubles”. This is the context in which the Government urgently wants to find another way. There are however, other important issues, issues around healing, justice and truth in particular.

TRUTH

It has been argued that it is important for a public account to be rendered of what happened and who was responsible. Wrong-doing and injustice are publicly acknowledged. Building a trust-worthy peace, it has been contended, requires honest discourse about the past. Thus, Truth Commissions have been established in such countries as South Africa, Chile, El Salvador and Guatemala.

Of central importance is that these Truth Commissions were official attempts at truth-learning and they have tended to focus, although not exclusively, on the misdeeds of the State. They arise from, or are part of, a peace process and often incorporated political compromises. Thus, in South Africa, amnesty was given to perpetrators in return for public disclosure. The perpetrators were held to account but they were not punished if they disclosed what they had done. Signs of contrition or apologies were not required, even though they did take place on some occasions. The victims were able publicly to tell their story, and for some of the families of victims there was the possibility of finding out what happened to their loved ones. Through these processes the victims and their families were given respect and the possibility of the restoration of personal and civil dignity. A process such as this may be sufficient for many people to put the past behind them. What was given up, however, was the possibility of punitive justice against the perpetrators. This was not uncontroversial. Some victims or their families were totally opposed to the granting of amnesty and challenged this in court.

It may be that a public account of what has happened and who was responsible can be rendered although it should not be assumed. However, rendering a public account of what has happened and who was responsible does not free us from conflicting interpretations, clashing memories, etc, about the past, or even disagreement about what the conflict has been about. Focusing on specific events may bring its own distortions and community anger. (Why this event? Why not this one? Etc.) “Truths” about the past may continue to be disputed. Nor does truth-telling necessarily lead to healing and reconciliation (certainly not at once). Indeed, truth can be used as a weapon directed against political opponents and as a means to claim superiority in a political struggle. It can open up old wounds and reinforce division. What may be hoped for by rendering a public account is that the range of permissible “truths” may be narrowed and that particular lies, silences, fiction, myths and denials are effectively challenged. After the South African Truth and Reconciliation Commission no one could honestly deny that apartheid was a monstrous crime.

NORTHERN IRELAND

As has been said earlier: Truth Commissions are part of political processes and more particularly political agreements. They are part of an agreed clearing up process after an agreement. Do we have a stable political agreement in Northern Ireland that allows us to engage in a structured clearing up process?

By 1998 one in seven of the Northern Ireland population reported being a victim of violence; one in five had a member of a family killed or injured; and one in four had been caught up in an explosion. There are 1,800 unsolved murders. These are the dimensions of the potential task.

Nearly 90% of the murders in Northern Ireland were committed by paramilitaries. Can a process be constructed that brings them into the public arena to talk about their misdeeds? Will they? Obviously incentives can be given (see below) but any process that focuses mainly on the misdeeds of the State would be unfair. Any truth process must be seen by those involved and by the public to be even-handed: a perception that special treatment is being given to one side or the other, or to paramilitaries as opposed to members of the security forces would only increase the problems in achieving cross-community consensus which is a sine qua non of such a process.

There may be need for incentives to secure the co-operation of all sides; that means in practice that the threat of future prosecution may have to be withdrawn in exchange for the revelation of the truth. Justice may have to be given up for the sake of truth. Is this acceptable?

HEALING AND TRUTH

The metaphor of healing is often applied to post-violence situations. The healing paradigm casts the consequence of collective violence in terms of trauma, sickness, brokenness, hurt and pain. A whole society has been gravely wounded and the goal is recovery and the restoration to “health”. One way this healing paradigm is used is in relation to the healing power of truth.

The belief in the healing power of truth was at the heart of the Truth and Reconciliation Commission in South Africa which was established with the hope that it would lead to social catharsis: the revelation of truth about the past would bring reconciliation. But as the Israeli philosopher Avishai Margalit says “memory breathes revenge as often as it breathes reconciliation and the hope of reaching catharsis through liberated memories might turn out to be an illusion”.

CONCLUSION

Dealing with the past is likely to be a process rather than an event, and it is likely to take generations. It does not seem likely that simple forgetting is an option. For instance, issues in relation to France’s actions in Algeria in the 1950s and 1960s, once thought buried by “acts of oblivion” are now creeping out into the public domain. At the same time we do not seem able to bear too much truth—because the truth can as easily destroy as liberate. We need a care-taking honesty. And timing is important. “There is a season for everything. . . , a time for keeping silent, a time for speaking” (Ecclesiastes 3:7). The issue is: Is this the time for a structured process like a truth and reconciliation commission in Northern Ireland. Personally, I rather think not, although the question of how to deal with the past will not go away. We cannot simply draw a line under the past, even if this was desirable. Instead, we should, at this time, concentrate on a piecemeal approach: practical help for victims, a Victims Commissioner, reviewing the 2000 “cold cases”, with a view to providing families with information, promoting the development of “safe spaces” where victims can tell their stories and so on.

APPENDIX 3

Memorandum submitted by the Committee on the Administration of Justice

BASIC PRINCIPLES FOR A TRUTH PROCESS IN NORTHERN IRELAND

The Good Friday Agreement, for a variety of reasons, focused on the future rather than on the past. The Agreement did not necessarily seek to ignore the past, but rather to affirm a better future to avoid a repetition of the past. The opening preamble makes it clear that it is precisely to honour those who have died, been injured, and their families, that we need to make a fresh start, and dedicate ourselves to a future of reconciliation, tolerance, and mutual trust, and to the protection and vindication of the rights of all. With hindsight, there is now some doubt as to whether it is desirable or indeed possible to fully commit to a shared and peaceful future, without some addressing of the legacy of the past.

There has been significant discussion recently regarding mechanisms to deal with the past. The Chief Constable has suggested that a Truth and Reconciliation Commission be established to examine the past and particularly 1,800 unsolved killings. There have been references by government ministers to the possibility of establishing such a Commission. It may well be that a variety of processes will be needed properly to examine the past.

CAJ has worked for many years with families who have lost loved ones during the conflict in Northern Ireland. We have campaigned on individual cases, on improving the inquest system, and have successfully taken cases to the European Court of Human Rights on article 2 of the Convention. We believe that any new proposal to deal with the past needs to be measured against certain criteria to ensure that it will act in accordance with domestic and international human rights standards and that it will properly engage with the rights of victims and others.

While our mandate relates only to the actions of the state we believe that the issue of truth can only be addressed in the context of a full and informed examination of the past including the actions of all relevant actors.

Independence

Any process must be completely independent of all parties to the conflict including the state. Those who are charged with chairing the process must be persons of sufficient standing in the international human rights community to command respect across the community in Northern Ireland.

Transparency

Co-operation on the part of the state must include full disclosure of material including documents relevant to the conflict. Nothing should be exempted from this undertaking save information which would clearly put someone's life in danger. Any process must involve public hearings.

Accountability

The process should be primarily about ensuring that institutions and individuals are held accountable for their actions or inactions. This need not necessarily be about punishment or actual imprisonment. A range of accountability measures could be considered.

Procedures should be article 2 and 3 compliant

In the *Jordan el al* cases the European Court of Human Rights laid down a series of tests to ensure that any investigation into a violation of the right to life should be compliant with article 2 of the Convention. Any process suggested by the government to examine past cases in Northern Ireland must comply with article 2. Similarly the European Court of Human Rights in a series of cases has laid down tests for article 3 investigations.

There can be no impunity or blanket amnesty

Truth processes which grant unqualified amnesty for those accused of serious violations are in violation of human rights law. There is a growing legal debate about what—short of a blanket amnesty—is an acceptable compromise when reconciliation and political stability are major concerns. In South Africa for instance, amnesty could only be obtained in return for a full and frank admission of one's activities.

The process should be voluntary

Families or victims should retain the option of pursuing their case through general legal processes and should not be forced to take part in a truth and reconciliation process.

Process of acknowledgement of wrong-doing

There must be acknowledgement from the state and all parties to the conflict that wrongs were committed and there must be undertakings by all parties to co-operate with a fair and impartial truth seeking mechanism.

Integrity of criminal justice process should be upheld

The conflict in Northern Ireland has warped the criminal justice system and undermined public confidence in it. We believe any truth process should not repeat this pattern. Indeed a crucial aspect of any process will be to try and restore confidence in the criminal justice system by making recommendations where appropriate about how to improve it.

Must comply with international human rights law

We have already highlighted our view that any truth and reconciliation process examining deaths or allegations of torture and ill-treatment should comply with articles 2 and 3 of the European Convention on Human Rights which of course is now part of domestic law. However, other relevant international human rights standards should be the parameters for any such process.

No hierarchy of victims

Victims of the conflict should be self-defined. There should be no discrimination as between different classes of victims.

Report should be produced and published

The process should culminate in a published report which, in addition to describing the work undertaken, will make recommendations to ensure that such violations do not recur. In addition the process should be capable of making reparations where appropriate.

September 2003

APPENDIX 4

Memorandum submitted by Albie Sachs, Judge of the Constitutional Court of South Africa

TRUTH AND RECONCILIATION IN SOUTH AFRICA: FOUR KINDS OF TRUTH

I was in chambers at the Constitutional Court in Johannesburg, and in a state of some excitement because I was told that somebody called Henry had arrived at reception. I took out my security pass, went to the security door, opened it, and I saw him there. He had telephoned me some days before to say that he had been part of the group that had organised the placing of the bomb in my car. He was going to speak to me at the TRC and he wanted to see me before he did so. He came through the door, he was shorter than myself, slim, younger, he walked to my chambers; he with a military gait, I with my judge's ambulatory style, looking at each other without looking. Both of us were curious. He was thinking—"Who is this person I helped to try to kill?" I was wondering—"Who is this person who wanted to block me out?"

His name was Henry. He told me that he had been to Potchefstroom University, had been a bright student. He had good parents, especially his mother, who was a very moral person. He was selected to go into the army—he said he was a good soldier. He rose quite rapidly through the ranks and was selected for special operations. Then he described how he had been part of the team that had organised the taking of photographs of my car. He told me about other commando attacks that were being organised at that time to kill other people in Mozambique. And then, he began to look at me rather quizzically. He began to speak in an almost petulant tone, as he looked around my chambers, the pictures on the wall, the comfort, the pot plant. He told me that he had been one of those dismissed from the army as a result of the Goldstone Commission findings. He had received about R150,000 and invested it in a company with a certain Eugene de Kock, and had subsequently lost the money. He was quite aggrieved, and told me that he too had been injured, he had received a bullet wound in his leg. The implication was that the generals were now either still in the security forces or they had received large "golden handshakes". They had been treated well and he was one of foot soldiers who had been abandoned. And here was I, the person he had tried to kill, sitting in my office as a judge, part of the new elite, receiving a good salary, successful.

Usually when somebody comes to visit me, I show the ordinary civility and shake hands when I receive them, and I shake hands when I say goodbye. But with Henry I experienced a very cheap emotion, I wanted to say to him: "Henry, I'm sorry, I can't shake your hand, you know why". But I resisted it. I said to him that normally I shake the hand of someone who visits me, but I can't shake your hand. I told him to speak to the TRC, to tell them what he know, to contribute to the store of knowledge that our country has about its past, to be as honest as he could. I said that maybe he and I would meet afterwards, then we could see. I forgot about him after that.

What was this body called the Truth and Reconciliation Commission, which was somehow going to humanise the relationship between my would-be assassin and myself? It has been subjected to two major critiques. The radical critique, alluded to by Kaiser Nyatumba and Colin Bundy, more or less says that by identifying gross violations of human rights, which affected a certain number of individuals at the forefront of the struggle, attention is taken away from the deep, systematic, pervasive dispossession and humiliation of the majority of people. It actually serves a negative purpose. And from that point of view, it undermines any possibility, contradictory as this may seem, of reconciliation. It is an important perspective, and one of the many perspectives that have emerged from this deeply engaging, profoundly affecting, brilliant, difficult, dark, intense process that we all participated in and watched and argued about. While I acknowledge the importance of this critique, I think it is basically wrong, although it should be a part of the overall assessment. It has to be one of the many voices that make up the total symphony of the process.

Why focus on these individual cases of torture, assassination and violence, when apartheid itself was a denial of humanity that involved dispossession of land, suppression of language, culture, and personality? I think there were very good reasons for doing this.

First of all, these cases were hidden, secret and denied. The Groups Areas Act was known, the Land Act was known, the wars of dispossession were known. But these were covert activities conducted in a clandestine way. Secondly, they were criminal even in terms of the laws of apartheid. Torture, assassination, and fraud were crimes even in terms of South African law. That is one reason why they were secret. Something had to be done in relation to those crimes.

Thirdly, they had an intensely cruel, savage and affecting character. They were the epitome of domination and dehumanisation, and of organised, institutionalised control of one section of the population. Attacking these cases was doing much more than revealing the agony of certain individuals. It was exposing a system that gave rise to those actions, which covered up and condoned them, which rewarded the persons who committed them. It was a powerful counter attack against extreme forms of immorality which were rooted in systematic, organised injustice. I believe that the personalising of the accounts, far from being the weakness of the process, is its strength. The objective of the whole TRC process was to help humanise South Africa and to move away from abstract characterisations and categories. The oppressed are people, and there were contradictions amongst the oppressed. We had to make people realise that human beings were doing things to other human beings. Perhaps the most difficult part of the whole process was to acknowledge that the perpetrators themselves were human beings. They come from the same genetic stock, the same

nation, the same race, in a broad sense, as we do. And for our own humanity, for our own strength, for our own glory, for our own confidence in the future, for our own reconciliation with our fellow South Africans, we must find a spark of humanity—“ubuntu”—in even the least of us, in even the worst of us.

The question was asked yesterday whether it is right to try and develop some kind of psychological profile of Eugene De Klerk. I heard Phumla describing her five visits to the maximum security prison in Pretoria, to speak to and try to understand Eugene de Kock. I was filled with admiration for her, this slight African woman, going to meet the man, the killer, the representative of all the violence and terror of the centuries. And she went to meet him with courage and with psychological understanding, to try to find out who he was, and the reasons for his actions—through a form of dialogue, not forgiveness. I am proud to be a South African belonging to a nation that has the capacity and spirit to conduct these kinds of enquiries. They are not dehumanising to the person who has dehumanised so many others.

I think even in terms of the transformation of our country, the process has created such a powerful and intense moral climate that it wipes out any possibility of denial. Even the most right-wing newspapers always start their editorials by saying that we have to acknowledge that terrible things were done in our name by peoples. Once that is done, it creates a climate which puts intense moral pressure on those who supported the system of apartheid to change, and to contribute towards change.

If the radical critique raises the question of what is meant by reconciliation, I'd like to give my views on that. Reconciliation doesn't need each victim to forgive each perpetrator, and for the perpetrator to apologise, and for the parties to embrace. That is asking too much, and it is inappropriate. There have been a few wonderful examples of exactly that, but what reconciliation really means is some kind of basically shared understanding of the terrible things that were done, and of who did them. Reconciliation also involves an understanding of how it happened and what the context was. Only when that understanding is there, can the nation move forward. We now take the work of the TRC, which has been so successful, for granted as though its achievements were given.

Reconciliation lies in converting knowledge into acknowledgement of the pain, in hearing the voices of the victims speaking for themselves in their multiple voices, from all sides, from many different quarters, from all the sections of our society who have suffered pain in different ways. It lies in the perpetrators acknowledging however haltingly, in whatever limited a way, at least something of what they did. Reconciliation means the nation, and the world, acknowledging that these terrible things happened.

The conservative critique takes two forms. The one is in relation to methodology, and that raises the question of what truth is. The Jeffrey book is a critique of what are called different concepts of truth. The truth can be seen in very different ways. Prior to the establishing of the TRC I drew a distinction between what I call microscopic truth and dialogic truth. Microscopic truth is discerned when you observe a limited, prescribed field—you control the variables, you exclude everything else, and you make your observations in terms of the relationship between the variables. Microscopic truth can be a positive science. It is what is examined in a legal case—one has to decide whether this person killed that person, with intent to kill on a specific date. That is all you really ask.

Dialogic truth is of a different order. It involves the multiple perspectives, experiences, and interpretations of events of the different participants. It is a kind of a social truth. One of the difficulties about analysing the TRC lies in the fact that it was dealing with both kinds of truth at the same time.

I have since added two further categories of truth. There is logical truth where simply by a process of inference you can deduce the truth from the statement. There is experiential truth. Gandhi referred to “my experience of truth”. He did not commence with a systematic philosophy, and then apply it to his life. He started off with his life, his experience, the phenomenon of being himself in a particular place in particular circumstances. And out of those lived experiences, he generalised. In South Africa, experiential truth is so powerful and so massive and so vivid and so varied.

If the TRC did nothing else, it enabled this experiential truth to come out, wave upon wave. I think it is rather absurd to say that these statements are worthless because they were not given under oath. That is applying a kind of technical legalism, that is appropriate when you are dealing with due process of law. You cannot convict without proper testimony, proper cross-examination, without narrow, microscopic examination. But when you try to find out what happened and what it meant to the people concerned, when you want to hear the voices, when dignity consists not only in the findings, but in the right to speak and be heard, the right to be acknowledged, for your pain to become the pain of the nation, then the experiential side becomes predominant and very important.

I think the TRC Report is a brilliant document. I loved it because it was so uneven, it was rough, it had its seams, you could see the stitching, and it was authentic, it was real. It was not one of these boring, homogenised commissioned reports that are read only by a few experts. It contained the passion, the variety, and even the contradictions of the process itself. There are a number of findings that I did not feel all that comfortable with, but that was not important. The important thing was that in the process, the TRC put its findings down on the table, and was itself a protagonist, it was not simply recording history. It was a very active participant in the process. The TRC was a site of struggle, an ideological, conceptual, political, emotional, personal struggle.

The TRC's mode of operation was also unique. I always mention what to me was so strange, was Archbishop Tutu crying. Judges do not cry. We do not have songs at the beginning of the process. We do not have a comforter sitting beside witnesses, patting their shoulders, giving them support. Court processes are not human in the way that the TRC processes were. There was something very different and inventive, and creative about the process. It was very special indeed.

It was not the state setting out to prove anything. The state was not prosecuting, it was not a denunciation. It was a platform, it was a vehicle, it was an arena, it was a site, it was a place, and the voices came out. The perpetrators spoke. How I wished that they had not come in their suits. They were tense and nervous. They would have opened up if they had been human, if they had cried, if they had shown more emotion, the way Benzien did. How affecting that was—how contradictory it felt, to see this man crying, this horrible person, and yet somehow feeling ashamed of what he had done. It has never happened this way as far as I know in any other country. It has not happened during show trials, nor as a result of torture.

The feature that also strikes people so much is that this all happened across the board. If the success of the TRC is judged by the fact that it angered everyone on all sides, then it was hugely successful! There were no victors, and there were no losers. The TRC's approach was that it was going to look at everybody, nobody would escape this process. Again, this is unique as far as I know in the world, and it gave the TRC an extraordinary credibility.

The second part of the conservative critique comes from those who find that amnesty is incompatible with justice. What does this word "justice" mean? Does it simply mean sending people to prison, or repaying money? In terms of social processes, is that the beginning and end of justice? Is there no justice if you do not send someone to jail, or if you do not see a transfer of money?

This approach is too limited. From a practical point of view, the machinery for prosecution is dominated by the very people who were implicated in the crimes. From an idealistic point of view, in the end the objective is that we can all live together in one country. That was the great dream of Albert Luthuli and Oliver Tambo, the people who contributed so much. It was living together for future generations, stopping that cycle of domination and control.

The perpetrators paid a price. You saw them, tense, nervous, receiving counselling for post-traumatic stress. They have to look into the faces of their children, their wives, their neighbours, having confessed to the most grievous, horrible crimes. The victims received information, knowledge that they did not have before, where the alternative would have been nothing. Their pain was acknowledged, bodies were recovered and they were honoured. Their sacrifices were acknowledged as an integral part of the terrible trauma and travail that gave rise to the new South Africa.

There is still much to be done in terms of reparations. I personally feel that the payment of money is not the primary response, as it can never be enough. You cannot put a price on a person's life. But to live in a democratic society, to feel that one is a free human being, that is worth everything, it is beyond rubies. I think the symbolical reparations are important. Money alone cannot humanise and restore dignity. The matter of reparations is not simply a question for the government. I think it is something for all of us to pay attention to. Someone said that she was willing to give 1% of her salary to a public fund, to contribute towards the relief of those who suffered. I would like to support that by pledging a contribution. I am sure there will be thousands and thousands of South Africans who will respond in the same way. Not only the beneficiaries of apartheid, but those of us who survived, who delight and feel joy in the achievement of South Africa today. Perhaps you earn a generous salary and you can give a percentage of your salary for the next three years, to some kind of fund. I am sure there will be a huge response from ordinary people who are wondering what can they do.

Henry came back into my life. I was at a party when I heard someone saying "Hello, Albie". I looked around, and there he was. He told me that he had given his information to the TRC. He mentioned Bobby?? and Hendreassen?? He was on first name terms with people who he had been trying to kill. I felt so pleased that he had taken that step, and looked at him, and shook his hand.

A few days ago, Indres Naidoo came to see me about the republication of a book he and I wrote about Robben Island. He refers to information given to him by Henry in the postscript that he has written, and he suggests that the bomb was meant for Indres Naidoo and not for me. Our book is out of date, and the truth is incomplete. And a strange kind of argument emerges between Indres and myself. I insist the bomb was meant for me, and he thinks the bomb was meant for him! It is curious that it is important for me, for my ego, my vanity, that I am the intended victim!

And new nuances continue. I heard that after Henri left the party all aglow, he went home and cried for two weeks. Somehow, this affected me quite deeply. We are now living in the same moral country. I would not invite him to go to the cinema with me but if I saw an empty seat on a bus and noticed that Henri was sitting next to it I would happily sit down beside him.

I tell these stories simply to illustrate that the discovery of truth is a continuing process. New information emerges, but what is important is that we talking, as free citizens in a free country. The dignity of the South African nation has been restored. And for this I thank the TRC.

APPENDIX 5

Memorandum submitted by Dr Patricia Lundy (University of Ulster, Jordanstown) and Dr Mark McGovern (Edge Hill College of HE, Ormskirk)

COMMUNITY “TRUTH-TELLING” AND CONFLICT RESOLUTION

A submission based on a Report prepared for the Community Relations Council (NI) (2004) and a Survey of Attitudes towards Truth and Justice issues to be conducted as part of the Northern Ireland Life and Times Survey (NILT) 2005.

INTRODUCTION

This submission is based on ongoing research conducted over the last six years by the authors on community approaches to truth-telling as part of post-conflict transition in Northern Ireland. Internationally truth and reconciliation processes have become central to dealing with the legacies of the past in violently divided societies. However, there has been little or no work carried out to assess the impact and outcomes of such processes. It is within this context that the research findings presented here, based upon an assessment of the impact, value and benefits of community-based truth-telling, represent an internationally unique contribution to the debate on post-conflict mechanisms for dealing with the past. In addition, the authors are currently undertaking a Northern Ireland-wide survey of attitudes towards truth commissions. This is the first such survey carried out anywhere in the world prior to the setting up of such a process. The findings are also based on research conducted on international experiences of truth-telling and post-conflict transition in a number of countries including; Guatemala, Chile, South Africa and Sri Lanka.

There have therefore been two key research initiatives:

- The authors conducted research assessing the values, impact and benefits of community-based truth-telling for conflict resolution between 2003–04 on behalf of the Community Relations Council (NI). This research focused on a case study of Ardoyne Commemoration Project (ACP) a community-based truth-telling initiative conducted between 1998–2002. The authors worked with the ACP in the collation and publication of the testimonies of the relatives and friends of the 99 people from Ardoyne, North Belfast, killed by the various parties to the conflict between 1969–98 (Ardoyne Commemoration Project (2002) *Ardoyne: The Untold Truth*, Belfast, Beyond the Pale Publications). Over 300 interviews were carried out for the work of the ACP. The assessment research involved an examination of the views of a number of key respondent groups on what contribution community-based “truth-telling” might play in post-conflict transition. These groups included those who participated in the project, the wider Ardoyne community and representatives of relevant victims, human rights and community organisations within both the mainly nationalist and mainly unionist communities. Approximately 50 in-depth interviews were carried out for this research. This work forms the main source for the findings presented in this submission. A full report is due to be published in January 2005 (Lundy, P and McGovern, M (2005) *Community, “Truth-telling” and Conflict Resolution*, Community Relations Council, Belfast).
- The authors are also responsible for a module in the upcoming Northern Ireland Life and Times Survey (NILT, 2005) which will explore attitudes towards a possible Truth Commission for Northern Ireland. The NILT is carried out under the auspices of the Northern Ireland Social and Political Archive (ARK) and is the most important Northern Ireland-wide social attitude survey carried out annually. Internationally, this will be the first ever survey conducted on a national basis on attitudes to a truth commission as part of a consultation process prior to the instigation of a mechanism for dealing with the past.

RESEARCH FINDINGS: AN OVERVIEW

The findings outlined below derive mainly from the research carried out to assess the values, benefits and outcomes of community-based “truth-telling” initiatives as part of a strategy of post-conflict transition for Northern Ireland. This work involved interviewing members of the project (4), relatives who provided their testimonies (30), representatives of the wider Ardoyne community (6) and spokespersons of both mainly nationalist (6) and mainly unionist (6) victims and community organisations. The representatives of mainly unionist groups generally came from communities bordering the interfaces with Ardoyne. The areas identified below represent the main points of concern identified in the research.

Acknowledgement and Recognition

- Recognition was seen by those who gave testimony to the ACP as its most important outcome.
- Key themes included: space for individual story, recording and placing in the public realm previously excluded voices, confronting a previous lack of recognition.

- Recognition was linked to acknowledgement, accountability and the equality of victimhood.
- The Restoration of dignity through recognition was seen as particularly important for two groups of relatives: victims of state violence and the families of alleged informers.
- A limitation of storytelling as a form of recognition was also identified in relation to the lack of accountability such a process could afford, particularly in terms of the delivery of justice for the relatives of victims of state violence.

Therapeutic or Non-therapeutic Nature of the Process

- There were contradictory responses as to whether the process carried out by the ACP was therapeutic or not.
- Giving testimony was clearly an emotional experience but most respondents argued that, on balance, they found the chance to “speak out” at least necessary and, at best, therapeutic.
- Therapeutic value derived from a number of things: that someone was willing to listen to their individual experience in an interview, that those experiences then appeared in print under their control, and that the public nature of the launch of the book represented a public “coming together” of the community.
- Some argued that “healing” and “closure” could not be divorced from questions of “justice” and “accountability”.
- A minority of respondents (more prevalent amongst mainly unionist interviewees) were critical of the therapeutic value of “truth-telling”. A number suggested that “healing” was a lifelong process. Others, more critical still, argued that it was better to leave people to rely on their already established coping strategies.
- Ethical issues were raised concerning the potential of “truth-telling” leading to second order traumatisation.

Inclusivity

- There was virtually universal agreement that any truth-telling process, community-based or otherwise, had to be as inclusive as possible.
- Mainly nationalist respondents stressed two elements to inclusivity; as a means to tackle a prevailing society-wide “hierarchy of victimhood”, that denied equality to victims of state violence in particular; the inclusion of families of victims killed as alleged informers. Most respondents within supported both these views on the basis of the principle of equality.
- For mainly unionist respondents inclusiveness was also seen as key though other issues were also raised. These included; sense of anger that some experiences were seen as having not been included in the work of the ACP (ie of Ardoyne unionists), the greater problems that exist around the issue of inclusivity within the unionist community because of (what virtually all of them saw as a problematic) distinction made between “innocent” and “non-innocent” victims.

Participation, Ownership and Control

- Community participation was seen as the single most important aspect of the work of the ACP. Virtually all respondents argued that any “truth-telling” process needed to provide a strong community-based component in order to provide people with a sense of ownership and control.
- People providing testimony to the ACP were given back their edited transcripts prior to publication so they could make any changes they wished. This was seen as extremely important in giving people a sense of agency, control and a means to contest the idea of relatives as “passive” and/or “powerless” victims.
- A strong community base also meant that those carrying out the work of the project were people known to, and generally trusted by, participants. Most Ardoyne respondents suggested that talking to an “insider” allowed them to speak in ways they could not have done if the work was carried out by someone from the “outside”.
- A number of potential issues surrounding the use of “insider” researchers were also noted by a minority including, an unwillingness to address certain issues and giving partial or guarded accounts, the potential political orientation of the project. For most, however, these drawbacks were outweighed the advantages of being able to know and trust those to whom they spoke.
- Any “truth-telling” mechanism should therefore consider ways in which community frameworks and perspectives could be interwoven into its working methods and structures to provide a sense of inclusiveness, equality, real participation and ownership.

Truth and Justice

- There were diverse views on what constituted “justice” in “truth-telling”. Some saw the chance to “tell their story” through the project as sufficient, others saw truth-telling as complimentary to, rather than replacing, judicial mechanisms.
- Community-based truth-telling processes were seen as a useful means of meeting some of the ends of transitional justice as socially and psychologically “safe” places to “bear witness”.
- The limitations of such processes are in their inability to uncover certain unknown information from outside agencies, to obtain official recognition, recompense and to pursue accountability.
- Mainly Unionist respondents tended to be far more suspicious of the whole debate around “truth and justice”. The research suggested that the debate and initiatives on “truth-telling” can some times be seen as a solely nationalist agenda.

Inter-Community Tensions

- Views on the significance of the work of the ACP for inter-community relations differed widely. Within Ardoyne and the wider nationalist community the issue of community relations was either not a central priority or an approach to the issues under discussion that they problematised as driven by a “two traditions” perspective. Most, however, felt that the model employed by the ACP was something that other communities might usefully follow and that this could make a very positive contribution to inter-community dialogue.
- Unionist respondents were more divided in their views. Some saw the work of the project as offering real potential for enhancing cross-community relations, others that that it might have a potentially damaging impact on conflict resolution strategies because more likely to create, rather than diminish tensions and bi-polar social and political perspectives.

Intra-Community Tensions

- Most participants saw the work of the ACP as having a very positive impact on intra-community tensions. This was particularly linked to the fact that Ardoyne is not a homogenous community and in dealing with intra-community tensions surrounding, for example, the deaths of alleged informers.
- The project was credited with providing mechanisms and creating the time and space to help resolve a number of such issues related to intra-community violence and in dealing with certain “taboo” issues.
- It was also suggested that the ACP stimulated individual self-reflection and a shifting of long held viewpoints, opened a space for community dialogue and debate that has borne longer-term positive results.
- It was felt that all combatants to the conflict were accountable and that there was therefore a need to create a new confidence and willingness to “speak out” about difficult issues.

Single Identity Work

- Reflecting the social make-up of the area the ACP was mainly a single identity project, although victims from unionist backgrounds were also included. The research showed that there were strong reasons to support single identity truth-telling work.
- Many respondents were suspicious of a “two traditions” approach to inter-community “truth-telling”, particularly because this excluded the active role of the British state in the conflict.
- The problem of self censorship and providing only partial accounts were also identified with the conduct of cross-community “truth-telling” work.
- Single identity work also provides a focus on the much neglected issue of intra-community tensions and divisions resulting from conflict.
- Problems with single identity work include; limiting contact with other communities, internal dialogue can lead to a re-assertion of views rather than a diminution of division (although the evidence suggests that recognition is more likely to lead to a spirit of generosity)
- There may be a need to devise a “truth-telling” process that enshrines the strengths and benefits of community-orientated single identity work but which also allows for this to be combined with parallel processes taking place elsewhere. Real, honest, meaningful (if difficult) dialogue may be better achieved in this way.

Expectations

- Managing the expectations of relatives and victims is key to the success of “truth-telling” processes.

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- Given the sensitivity, emotive and highly personal nature of the work, raising expectations that cannot, in the end, be met are likely to have deeply felt and far-reaching repercussions. Much of whatever satisfaction relatives who provided testimony to the ACP derived from the work was because they felt the project did what it said it would, no more and no less.

RECOMMENDATIONS

Recognition, Acknowledgement and Accountability

- We recommend the setting up of an initiative that facilitates community based “truth-telling” processes. To this end we would suggest the publication of a “user friendly” step-by-step guide booklet for communities interested in initiating such a process. There are communities currently involved in similar type work but lack the necessary skills, information and resources to undertake an ACP type process.
- We would stress that such work not be seen as a substitute for other, broader initiatives aimed at delivering acknowledgement, accountability, truth and justice. Parallel processes should also therefore be available for all those aggrieved who wish to pursue such avenues of redress.
- We further recommend that in any “truth-telling” process (community or particularly if state-led) all organisations and institutions (British and Irish states, republican and loyalists) should publicly acknowledge and take responsibility for their role in the conflict.

Inclusivity

- We recommend that the principles of inclusivity and equality of victimhood should underpin all “truth-telling” initiatives (whether community or state-led).

Participation and Local Ownership

- The principles of community participation and local ownership and control should underpin the initiation, design and delivery of “truth-telling” processes. Any “truth-telling” process (community or otherwise) should genuinely attempt to establish ways in which community frameworks and perspectives could be interwoven into its working methods and structures so that a real sense of participation, ownership and a victim centred approach can be achieved.

Inter and Intra Community Tensions and Single Identity Work

- There is a need to recognise that intra as well as inter community tensions and divisions deriving from the conflict need to be addressed as part of conflict resolution and peace building. It follows that consideration should be given to promotion of “single identity” work as a necessary and viable approach to “truth-telling”. The experience of those involved in the ACP would seem to suggest that achieving recognition in this way could allow for a greater spirit of generosity to flourish. This may, in other words, be seen as a stage in a wider and longer term process rather than solely an end in itself.
- We further recommend a process that enshrines the strengths and benefits of community-orientated single identity work but which also allow for this to be combined with parallel processes. These would allow for the sharing of information, and experiences, between specific projects and communities.
- Given the significant reservations expressed by unionist respondents towards “truth-telling” initiatives we would recommend that further research on such attitudes be carried out. This should be designed to enable a more fully inclusive public debate on such issues.
- An additional recommendation is that a “two traditions” approach should not be advocated as a viable model for “truth-telling” (whether community or state-led). As stated above, all organisations and institutions should publicly acknowledge and take responsibility for their role in the conflict.

Therapeutic Value

- We recommend that any community seeking to undertake such a process ensure appropriate mechanisms are in place before embarking on the project. This should be designed to safeguard interviewees/ participants and staff/volunteers from any negative/ traumatic or detrimental effects flowing from engagement in the project. It is important that support networks and services also have a strong community based focus.

Transparency

- Transparency and openness should be a feature of “truth-telling” processes in order to avoid raising expectations and causing further hurt to victims. Participants should be told what to expect from the process at the outset and be kept informed of developments as far as possible throughout the process.
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APPENDIX 6

Memorandum submitted by the Guild of Uriel

In meetings of The Guild of Uriel we sit in a circle with everyone introducing themselves. Visitors are given the floor to present whatever stories and ideas they wish to share. They tell their stories and we respond. The “we” being a group of cross community/cross border volunteers seeking to facilitate dialogue in a private context. This simple format enables change to take place with ripple effects permeating to the wider reaches of society and sparking other developments.

We seek engagement with, and between, all who wish to engage. People from all walks of life have shared the experience and there are no restrictions, with participants setting the agenda. There are no (or few) “experts” and this enables the sharing of experiences. Nor are we seeking “truth” in the sense of accuracy but when people honestly share their stories “truth” is present. The Guild, over most of 10 years, has engaged with republicans, unionists, loyalists, victims (including security force victims), Orangemen, people from the interfaces, political parties and so on. Whoever engages with us engages with the other because we ourselves include both traditions.

We are flexible and try to respond as we see the need. We prefer the image of an organism rather than organisation. We have joint chairs—one a unionist from the north and the other a nationalist from the south with a core membership of approximately 16 people drawn from unionist and nationalist traditions. We bring people together in what they experience as a lively, dynamic, creative, challenging and fulfilling encounter.

Members and friends occasionally visit parts of Northern Ireland characterised by disruption and violence. Once we met in Dan Winters Cottage—birthplace of the Orange Order and this was a moving experience. We have had tense moments, as when former security services members tell of harrowing experiences. The work is not centred on the past although in early days we emphasized the healing of memories. Uriel was the name of an area centred on County Louth in medieval times. It included parts of adjacent counties heavily influenced by the Anglo-Normans/Old English and we seek reconciliation with that past and in the present.

We believe this work is most effective in small groups away from media attention. The important thing is that people’s stories are listened to and responded to positively and even critically but respectfully. Honest but respectful and empathetic feedback is given to those sharing their stories. We engage after sharing a meal together. This sets the tone in preparation for open discussion. We close each session with a minute’s silence.

In contrast a public truth commission might not heal wounds. The roots of the conflict are too deep and complex to be elucidated to everyone’s satisfaction. Conflict over whose truth is accepted would seem inevitable in such circumstances. Some would feel their story was misrepresented or neglected and they might be left in greater pain. Some facts, as opposed to “truth”, would be recovered, but limited knowledge can be dangerous. We feel however that there is a place for more formal and “authorised” story-telling, perhaps facilitated by a university, in which stories could be told, heard, responded to and recorded—in private. An initiative in this direction is being considered but the lessons learnt over almost a decade remain vital.

29 November 2004

APPENDIX 7

Memorandum submitted by the International Center for Transitional Justice

I am greatly encouraged that the Northern Ireland Affairs Committee is requesting evidence for ways of dealing with Northern Ireland’s past. In particular, I appreciate the stress on reconciliation.

I write to you in my capacity as the former Deputy Chairperson of South Africa’s Truth and Reconciliation Commission. I have stressed over and over again, in Northern Ireland and elsewhere, that there are very real differences between the Northern Ireland situation and that of South Africa. Therefore I have never sought to propose that the South African model ought to be imposed on Northern Ireland. On the other hand, I have also tried to suggest that there are a number of similarities between Northern Ireland and South Africa. Inter Alia, I have mentioned the level of suffering, the conflict that neither side can win, that both Northern Ireland and South Africa could be described as “damaged societies” with a lack of awareness of the abnormality of both societies. Further, both societies have found it very difficult to face up to reality. Northern Ireland, like South Africa, lives in a world of difference and contested realities. It is important for both societies to acknowledge that in one real sense “we are all victims” and that we have all suffered as a result of prejudice and character assassination, and worse.

I am taking the liberty of sending you by separate cover a report published by Victim Support Northern Ireland and the Northern Ireland Association for the Care and Resettlement of Offenders. This is a report of a visit I made to Northern Ireland and I think, whilst much longer than the 6 pages that you suggest, might be of assistance to your Committee.⁹⁴

If I can be of any further assistance or if there are any additional questions that you require answered or further comments you need, please don't hesitate to contact me. I have visited Northern Ireland at least six times and have come to love the people of that very beautiful and often tragic land.

APPENDIX 8

Memorandum submitted by Professor Bill Rolston, Sociology Department, University of Ulster

INTRODUCTION

I am professor of Sociology at the University of Ulster at Jordanstown. I began working on the issue of truth shortly after the ceasefires of 1994 and have continued to research and write on the topic ever since. (A list of my publications is provided at the end of this submission.) In the course of that research, I have had close contact with a number of victims' and campaign groups; have interviewed a range of relatives of victims of state killings; and have most recently been interviewing loyalists in depth regarding their ideas of dealing with the past. I am convinced of two underlying principles as a result of this decade of work:

1. that dealing with the past is a crucial part of conflict transformation in transitional societies;
2. that our ability as a society to deal with the past will be inhibited if any group feels unable to keep up with the others.

In what follows, I would like to elaborate further on some of the conclusions I have drawn as a result of my interest in this topic.

TRUTH

A common demand in societies coming out of a period of protracted violent political conflict has been the demand for truth. This has led in at least two dozen societies in recent decades to the establishment of a formal truth commission.

Truth is a difficult concept to define, not least because of a strong belief that there is no such thing as truth, only each person's truth. Valid as that may be in terms of trauma counselling or psychology, it is of limited value in terms of coming to terms with the past at a social rather than an individual level.

The word "truth" is often taken to refer to what might be called forensic truth—what happened? When? How?, etc. The value of seeking truth at this level alone is limited, not least because the facts are frequently known. In fact, many relatives of victims are aware even of the names of perpetrators, although these names are not otherwise widely known in the public domain. When victims, their relatives and supporters seek truth, it is usually shorthand for two elements in addition to the facts.

The first is explanation: why did this happen? Why were such people targeted as legitimate victims? Why was s/he picked out? Why weren't they arrested rather than shot? This quest for reasons is particularly relevant when it comes to state killings. The democratic state after all rests on one fundamental premise: the protection of the lives and rights of all citizens, without favour. A corollary of that is the pursuit of those who threaten the lives and rights of citizens, again without favour, even if they happen to be in the employ of the state. When the state kills, covers up for those who kill, and demonises those who seek answers, the demand for explanation is especially intense.

The second is acknowledgment. All too often in violent conflicts hierarchies of victims emerge. For supporters of the state, the hurts inflicted on state personnel are on a higher moral plane than those inflicted on insurgents or their supporters. For insurgents and their supporters, the moral hierarchy can be reversed. The consequence is that the hurt of those at the bottom of whichever hierarchy is denied or diminished. Any society coming out of conflict must strive as a priority to remove any such hierarchies. The duty of the state is to ensure that the hurt of all victims is acknowledged seriously.

JUSTICE

The demand for truth is intimately connected to the demand for justice. In fact, the limits of justice in the formal criminal justice sense are well-known to many victims, relatives and campaigners here. In the first place, there are many reasons why perpetrators failed to be called to task in the past—absence of viable evidence, political interference with the objective rule of law, etc. Although there have been advances in forensics in recent years, not least in relation to DNA testing, the limits of seeking prosecution are still

⁹⁴ Not printed.

obvious. First, DNA apart, the likelihood of acquiring plausible evidence two or three decades after an event when it was not available in the first place is slim. Second, the cost of reinvestigating all incidents is prohibitive and the recent allocation of £9 million for the PSNI to investigate “historic crimes” is regarded by many unionist victims’ groups as insulting. Third, there is no reason that those organisations with the ability to thwart investigations in past years are any more committed to openness and justice now. John Stalker was blocked by powerful and shadowy forces when attempting to investigate a series of murders in the 1980s; there is no reason to believe that these and similar powerful and shadowy forces have gone away or are prone to be more cooperative now.

Finally, it is obvious that even if evidence is produced which is sufficient to convict perpetrators, the terms of the Belfast Agreement ensure that it is unlikely that anyone will spend a lengthy period in jail for any past offences arising from the conflict. Some loyalists I have talked to insist that that is not the point, that the symbolism of the rule of law is crucial and that therefore it is sufficient that someone be “shamed” by a conviction, even if no prison sentence is actually served. For them, this is not revenge but “law and order”.

That said, I have interviewed others who see the pursuit of prosecution in the present circumstances as tantamount to revenge and who have insisted that they do not want prosecutions. For some, the legal route to be followed is that of inquiries which seek to put documentation and cross-examination evidence in the public domain. For others, truth as defined above—public acknowledgement of the wrong done to them—would almost be justice enough.

RECONCILIATION

It is possible to see reconciliation as the desired outcome of a truth process. For some people I have spoken to, reconciliation is seen in an individual light; some have even gone as far as concluding that the goal is that every perpetrator should repent and be forgiven. For others, the concept is seen in a more social sense; although words taken from counselling individuals are often used—such as “healing” and “closure”—the aspiration is that society as a whole should be able to move on as a result of a truth process.

That said, there are many to whom I have spoken, especially those who have been subject to human rights abuses by state forces, who find the word “reconciliation” overbearing. At very least it is felt to be too loose a concept, implying that somehow we are all guilty in some form or other for the conflict and its duration, and that we all need to forgive and be forgiven. The demarcation line between perpetrators and victims is lost in this approach. More, there are times where the implication is that unless victims “forgive”, reconciliation for society is impossible. Reconciliation becomes one more burden heaped on victims who, for often justifiable reasons, are not ready, willing or able to forgive—or at least not yet. It can be one more form of victimisation. As some have said to me, they don’t mind forgiving but they want to know whom they are forgiving. Others put it this way, that they are willing to forgive, but only if it is genuinely asked for.

STORYTELLING

Storytelling is a valuable way for individuals or groups of victims to acquire a sense of control over their own lives. Too often, especially for victims of state violence, their story has not been told, or the validity of it has been denied by powerful forces. For all victims, the control of their story is frequently in the hands of journalists, church people, politicians—not themselves. So throughout the last 30 years people have told their stories—to friends, to their community, sometimes privately, but also publicly. They have written their stories down or had them recorded in community inquiries. They have published their accounts.

There are of course many victims, perhaps the majority, who have not had the opportunity or confidence to do so. Providing them with such opportunity may not be a bad thing. But, it needs to be recognised that they must be comfortable telling that story. There are many ways in which they can be made uncomfortable, especially if lacking in confidence, and so must be allowed to tell that story privately, anonymously, informally, without cross-community requirements, if that is what they want. The retort may be that there is not one format which can accommodate those differing requirements. If that is the case, so be it; there must be a range of formats. Simply put, victims need to be in control of their own stories.

CONCLUSIONS

On the basis of these and other findings I have uncovered in my research, I would like to sum up with a number of suggestions/caveats, some of which come directly out of the above.

1. A formal process of truth recovery has potential for conflict transformation.
2. No one should be forced to participate in a formal process of truth recovery, nor made to feel lesser for declining to participate.
3. There is no one magic formula for coming to terms with the past, so all avenues should be left open—truth commission, storytelling, public inquiries, criminal investigations—even if not all are pursued fully at the same time.

4. While story telling is valuable for some victims, it cannot be the sole focus of coming to terms with the past, not least because it does not contain an investigative element such as has existed in other truth recovery processes globally.

5. Because the state has been itself involved in past human rights abuses, any formal truth recovery processes must be independent of the state. Moreover, ideally the process of consultation regarding the way forward in terms of dealing with the past must also be independent of the state.

6. All truth recovery processes must be posited on the acceptance of the right of all victims to be considered victims, without any hierarchy of victims.

7. Any process of truth recovery must be victim-centred, even if there is no agreement between victims' groups as regards the purposes, processes or proposed outcomes. If the presence of a multiplicity of voices means there must be a multiplicity of mechanisms available, so be it.

8. The process should be labelled as one of truth recovery, and any official commitment to reconciliation should be avoided. If the truth process works, reconciliation can be the outcome. But foregrounding reconciliation can be another form of burdening victims.

9. No formal process or processes of truth recovery at a social level should be used to justify lessening of funding for groups who wish to engage in counselling of victims or self-help and mutual aid among victims.

10. A truth recovery process should not be represented as a line in the sand, a one-off event after which no one is allowed ever again to raise issues about the past.

30 November 2004

APPENDIX 9

Memorandum submitted by the Methodist Church in Ireland—Council on Social Responsibility (Northern Executive)

1. THEOLOGICAL REFLECTION

1.1 The Methodist Church's concern for this world is grounded in the hope of the Gospel and is stimulated and encouraged by the words of Isaiah as used by Jesus, "He has chosen me to bring good news to the poor, to proclaim liberty to the captives and recovery of sight to the blind, to set free the oppressed." (Luke 4:18).

1.2 Healing was central to the ministry of Jesus. It was a sign of God's Kingdom, bringing renewal and wholeness of life to those who turned to God in their need. Jesus sent out his disciples, "to proclaim the Kingdom of God and to heal" (Luke 8:2). In both Old and New Testaments, God seems to be supportive of those who are suffering. That the suffering often continues raises hard questions, but God's care and compassion are evident as an example for us to follow. "You hear, O Lord the desire of the afflicted; You encourage them, and listen to their cry, defending the fatherless and the oppressed, in order that man who is of the earth, may terrify no more" (Psalm 10 17-18).

1.3 On the cross Jesus said, "Father, forgive them: they know not what they are doing" (Luke 23:34) and Paul indicates that, "God was in Christ reconciling the world to himself" (2 Cor 5:19). Paul reminds us that it was God who raised Christ from the dead. These points reinforce our understanding of reconciliation being experienced as resurrection through the grace of God. It makes Christian hope in the restoration of relationships ultimately dependent on the love and compassion of God.

1.4 Remembering is about facing up to the past. It is about remembering terrible things; done to people we knew and loved. However, remembering such things means we must recall too the terrible things done in our name. Remembering has to be a means of respecting and honouring those who have died, and, at least, of reflecting upon what our fears and aspirations caused to be done in our name. As a Christian community we recall how we have been invited and challenged to the task of remembrance and action by Christ's words at the Last Supper, "Do this in remembrance" (Luke 22:19). The act of remembrance involved having a meal. Habit has dulled our minds to the incongruity of this; remembering by having a meal, by sharing food, in the company of others, by having a good time. The remembrance meal is undertaken now in most traditions with great reverence. So if we apply this analogy we may find equally imaginative and incongruent ways of remembering our shared tragedy. We can remember by doing.

2. ROLE OF THE COUNCIL ON SOCIAL RESPONSIBILITY

2.1 The main focus of the Council on Social Responsibility of the Methodist Church in Ireland recently has been to provide a Biblical reflection on the developments in the political and peace processes. Within the body of the Church itself, the principal role of the clergy, supported to one degree or another by lay members, has been to address the pastoral needs of those affected by the violence associated with the Troubles bringing a spiritual perspective and comfort where possible to individuals, families and communities.

2.2 The Council has sought through statements and engagement to prevent violence and loss of life by challenging paramilitaries to desist from and renounce violence and to bring to bear influence upon associated political parties and representatives. Through dialogue, facilitation and interpretation, the Council has sought to bring about, and sustain, cease-fires and thus to prevent any further loss of life.

2.3 Specific consideration has been given to victims' issues on a number of occasions through submission to the Bloomfield Report as well as reports to the Methodist Conference (2000 and 2004).

2.4 As a result of the most recent report (2004), further work has been undertaken and a possible model for dealing with the past through acknowledgement and story-telling has been advanced and is in the process of refinement, through consultation with others. Some work has commenced on producing a liturgy of healing and reconciliation. It is very much our aspiration that building upon the work of the Methodist Church, a joint approach by the Churches may come to fruition.

2.5 We recognise that in a community which has experienced deep trauma and, where the right to life has so often been taken away, we must acknowledge and accept our failure. As a Church, we have not lived up to either the personal or community ideal.

3. POLITICAL DEVELOPMENT AND THE NEED FOR HEALING

3.1 The political process has been dealing with some of the causes and symptoms of our conflict. That work is all but complete, the conclusions of current deliberations will reveal whether they are consolidated by the restoration of the assembly, shared power, agreement on policing and the decommissioning of armaments, amongst other matters.

3.2 Matters from the past reside in our collective memories resulting in sustained difficulties in our relationships, particularly the relationship between the two main traditions. We believe opportunities to address this underlying problem by demonstrating new and positive approaches have not been taken or have been lost through the political process. Progress through the political process has been slow, begrudging and the subject of political deals, hardly the basis for establishing confidence and trust. So, whilst the political process is an essential part of the task of building peace, and sets the conditions for further work, including the repair and establishments of relationships, politics has probably brought us as far as we can go (ie in terms of improving relationships). Sadly, with the emergence of very divided politics, and the institutionalisation of sectarianism in our political institutions and processes, the best we can hope for from current political progress is that each of the traditions will feel that its interests are, as a last resort, protected for example if violence were to break out again. That we can hope will create some stability and a basis for progress. In order to build on this position, if that is possible, the participation of other elements of civil society is essential. It has been further acknowledged that relationship is at the heart of the process of peace-building. Without this involvement and understanding, the opportunities to create the conditions for true peace and reconciliation fade away.

3.3 But this process has not achieved what the churches refer to as healing. By healing we mean the restoration of broken relationships and positive adjustment to changed circumstances and realities. Healing is also the commencement of a new relationship between our traditions, one marked with understanding, mutual regret about the past and the intention to create a shared future. These attributes are reached through acknowledgement and taking heed of the humanity of those with whom we differ.

4. REASONS FOR DEALING WITH THE PAST

4.1 *To resolve outstanding justice issues*

4.1.1 With over 1,800 unsolved murders, the status of the disappeared and allegations of state collusion the issue of justice is still very much alive and interpreted differently. Recognising the salience of the issue is one thing, resolving the issue in a way that commands widespread support is another matter completely.

4.1.2 We are not sure that outstanding justice issues require extra-judicial measures (apart that is from those that have already been agreed ie Saville, Cory). Whilst it would be comforting to think that some super judicial commission could hear and satisfactorily dispose of outstanding judicial matters, we believe that the degree of agreement and support for such a process would not be found. We believe that there will be a sufficient number of people who have suffered through the violence who will want their loss and injury to be dealt with in at least a comparable manner as any crime, particularly those associated with the Troubles. A commission or such like, acting outside the scope of existent arrangements, will seem like a second-rate solution, particularly when viewed against the other option, of independent public enquiries. Also, we believe that it would be hard to make the case for disposing of such matters through some quasi-judicial commission, when enquiry, investigatory and prosecution systems are in place, and where some might feel, on the grounds of human rights, that their rights should have equal weight on such matters.

4.2 *To allow individuals to tell their story and for that to be acknowledged*

4.2.1 There is a view that many affected by the Troubles have not had their experience acknowledged and that the overlooking of their accounts has in part been caused by, and increased by, the attention paid to the more controversial, dramatic and large scale events. Who remembers the mother of somebody shot along the border in the 1970's? It is reasonable to ask why it would be beneficial or desirable for anyone to "tell their story". Why would this be helpful in the circumstances of the Troubles, and not say, in the context of a non-Troubles related sudden death caused by suicide or a car accident? The answer is in the significance of the loss, because it has come about as the result of conflict that somebody thought some cause or duty sufficiently important to consider another human being to be dispensable; that some cause or duty was placed above the concerns and needs of a family. Telling the story is about remedying that distortion, at least in part. It is also about equal regard. Some victims of our troubles have had considerable acknowledgement through the media which forms and legitimises public views. Others have been all but disregarded. Telling the story is about raising all who have died and who have been bereaved to an equal level of significance as human beings, and bears witness to the human tragedy experienced by individuals. The BBC Legacy series conveyed this powerfully.

4.2.2 In our view there is a distinction to be drawn between equal regard for another human being who has died or a family which has been bereaved, and efforts to confer some moral equality on the actions or circumstance in which the person who died, was killed. For example, we cannot accept that the actions of the person, who sets out, motivated by a cause that has no reasonable legitimacy or in an act that is illegal, to kill another in an offensive action, and in that action is killed, can be equated morally to the position of their victim. It is a gross distortion of a reasonable moral world view if we pretend there is no moral distinction. We believe that this is particularly so as we do not consider the violence associated with our Troubles to have been legitimate under, for example, the principles of a "just war". We do understand, however, that the world does not divide conveniently into those who are victims and perpetrators, but that many who have been responsible for violence have themselves been the victims of violence and threats of violence. Likewise, some of those who have died and been injured may themselves have been responsible for other acts of violence, deaths and injury. We are prepared to accept and indeed would advance the view, leaving aside the above argument, that we, as a community, need to embark upon a journey through which we lament the tragedy that has befallen us all, and in those circumstances to lament the loss and grief that members of the wider community from whatever tradition have suffered. That willingness to lament the death of others, and the grief of their families, should not be taken as conferring legitimacy upon any offensive actions they might have been involved with that visited death and injury on others.

4.3 *To ensure that all can hear and acknowledge these stories*

4.3.1 The telling of the story spoken from all parts of the island and beyond is one thing; hearing and accepting the story is another. We believe that story-telling will best contribute to healing if it is done with reverence, that is if the stories are told and listened to in reverence. We would urge that this process is not seen and undertaken with political or judicial overtones. Rather we believe the means by which they are told and heard should be pastoral. We could not support a process that would involve combative and assertive claims being made or if the process was to become the subject of legal wrangles. That would discredit it and undermine its wider human significance. We would urge all concerned, if we embark upon such a process, to do so with these thoughts in mind. Further, we believe that a set of guiding principles, and a means by which issues of dispute can be addressed and resolved, should be developed to support the process. Finally, we believe individuals and families should have emotional and psychological care to hand should they need it in preparing for, and contributing to, such a process, and afterwards.

4.4 *To provide for the telling of another story: of support offered, thus adding to a shared history*

4.4.1 While it is necessary for the stories of those affected by the Troubles to be told, heard and acknowledged there is also another story to be told. This additional story relates to those who have supported the victims during their grief, those who have shown compassion, those who have opened their heart and home, and of those who have been courageous enough to offer assistance to others, irrespective of their tradition. In this way, a collective story may be told of wider and deeper relationships than might have been expected or imagined. Stories of this nature also need to be acknowledged and will add immeasurably to a better and, perhaps, common understanding of our shared, if presently contested, history.

4.5 *To offer the Church the opportunity to reflect critically on its role*

4.5.1 During (and prior to) the years of violence the churches endeavoured to play two roles which were at times in conflict with each other. The reality of embattled and suffering communities required the churches to play a strong pastoral and consoling role. However, this meant the churches slipped, unconsciously perhaps, into sectarian mode. Catholicism and Protestantism were consoling their respective tribes. Imperceptibly, and, at times, with striking vividness, the churches exchanged their eternal mission for one that was partial and temporal. The long term goal of witnessing to the world and bearing the good news

became subsidiary to the immediate pastoral necessity. It is hard to see how it could have been otherwise. But our lack of attention to that greater task needs now to be rediscovered and reactivated, and done so in ways that speaks out against the sectarianism that lies at the heart of our tragedy and embedded in our society. It is not enough to pick up where we left off in 1968. The experience of the past 35 years, its lessons and tragic insights, to say nothing of the growth of secularism and scepticism (about both faith and the Church), require the church to reinterpret its eternal mission radically and to address it in new and dynamic ways.

4.5.2 All this means that the churches together have contributed to our divisions, to their history and to the consequences of sectarianism that fuelled the violence. Most tragically, opportunities have been missed. We need to acknowledge that the practising of our beliefs and theology was flawed. Actions taken by the churches in the years before violence broke out, in both north and south, could have created a much better context.

4.6 *To give the next generation, and future generations, sufficient information to make their own judgement*

4.6.1 It is for these reasons that the Methodist Church is willing to commit itself to finding a way of developing a process or series of processes that would contribute to healing as defined above (3.3). We believe that this generation should not miss the opportunity to create a context where the agony of these past years is addressed as best it can and that old enmities are consigned to the past. We cannot allow whatever opportunities exist in this generation to pass us by.

4.7 *To facilitate the restoration, renewal and establishment of relationships*

4.7.1 Much of our theology is based on the idea of our relationship with God developing within the community of faith. This helps us understand that the healing process is ultimately a social process. Those affected by the violence, therefore, will find the fullest healing not in isolation but in re-building and potentially discovering a new relationship with God and with others including, possibly, the perpetrators of violence.

5. A VIEW FROM THE CHURCH ON ISSUES TO BE ADDRESSED

5.1 *Acknowledgement of emotions—committed to God*

5.1.1 The Psalms are full of heart-rending laments and cries from broken hearts of pain, hurt and loss beyond all knowing. Emotions, today, are still so raw when exposed, and time is not always the healer as can be commonly, and too easily, suggested. Feelings and emotions—perhaps disturbingly innate—of anger and maybe even revenge are deep human responses were heard in the Psalmist's day as they can be heard today. As in the past, God knows how to deal with these emotions when they are committed to Him.

5.2 *Provision of the sanctity/refuge of the sanctuary—a sacred space*

5.2.1 When faced with danger, the Psalmist knew to look for God's comforting presence in the security and refuge of the sanctuary. The re-assurance of God's help through present trouble was evident (Psalm 46). The sanctuary of the high rock was a place of escape and safety for those who were troubled. It was a place where rest and healing could occur. People who have agonised and been traumatised by the events they have witnessed or the loss they have encountered may be more inclined to tell their story in an atmosphere that is free from fear, safe, intimate and personal. Victims need space to express the rage at the injustice done to them. God can offer his sanctuary.

5.2.2 There is a therapy in telling, and listening to, a story, and story-telling runs deep in our collective cultural veins. Stories have been told, and re-told, for generations around the warmth and intimacy of the hearth. Culturally, there is more of an affinity with the welcoming parlour than the glare of the public stage. We must find the appropriate space for people to feel sufficiently at ease with themselves, their audience and their surroundings.

5.3 *Healing of wounds*

5.3.1 There can be a healing of wounds when the past is told and explored. The degree and nature of the healing process may depend on what is offered, how it is offered and what follow-up support mechanisms are put in place. But healing might also depend on how receptive a person is to being healed in the first instance.

5.3.2 The conversations that Jesus had with the man at the Pool of Bethesda (John 5:1-9) and with Thomas (John 20: 19-29) are illustrative regarding the openness, courage and faith to be healed and changed. The Risen Christ conveys to us God's understanding of pain, hurt and suffering and the hope of God's transforming power. In the same way, there is the possibility that some who have suffered, having come to an understanding and some healing, can be the means of bringing healing to others.

5.4 *Repentance*

5.4.1 As noted elsewhere (4.5.1), the churches have faced a difficult tension between promoting the values of the Gospel, on the one hand, and in consoling people in their own community, which often has been manifested by acts of community solidarity or by articulating a political analysis. The churches need to be open to the voices of pain, hurt and despair from those it sought to counsel and comfort and from those it could not, or did not, pastor to. The churches need to consider critically their role during the last 30 years or so and to find God's grace and be open to criticism. There have been many occasions when the churches have acted together to find a better way, and that story needs to be told as well, but they might need also to reflect on many missed opportunities or occasions where divisions were not bridged. In short, the churches need also to encounter—to hear and to feel—the pain of this period and to repent. For some, the churches may lack credibility. Any initiative—church sponsored or community based but supported by the churches should be undertaken with the greatest sensitivity and on the inclusive basis of respecting all religious beliefs and none equally and without judgement. Statements of regret and apologies should not be made in isolation from a thorough self-examination and acknowledgement of the role played in the past.

5.4.2 Indeed, without determining or pre-judging any outcome, if the churches were courageous enough to embark on this self-examination, by hearing painful stories, a significant and potentially influential statement of honest leadership could be made. The work and spirituality of the churches is distorted by the hurt and pain of many of its people. Self-consciousness is one of the most significant aspects of positive change. This attempt to grapple with its past allows hope for redemption and repentance.

5.5 *Affirmation of human dignity*

5.5.1 We have referred elsewhere (1.4) to the symbolic cultural importance of sharing a meal together. Respect and the conferring of dignity occurs when hospitality is offered and accepted. Sharing food is a sign of fellowship. Jesus had a particularly important ministry with the excluded, marginalised and forgotten. He affirmed their humanity and gave them their respect and dignity.

5.6 *Reconciliation of self to God and others*

5.6.1 God reconciled himself to his created world through His son. Paul presents this case in his letter to the Christian community in Corinth (2 Cor 5:19). God has been able to transform the world through the Cross and in doing so shows a deep affinity and understanding of the pain experienced by humanity. Yet, through the resurrection, hope and love triumph and a new way or creation is revealed. We are shown that we are all made in one Christ and while we may have some re-assurance that some of our traditions or personal and community differences can remain as witnessed by Paul on his missionary journeys, they are, however, secondary to the love of God and expressed in action to others.

5.6.2 The churches have much to do as agents of reconciliation.

5.7 *Recovery of truth*

5.7.1 Listening to and hearing stories, especially difficult stories shows compassion, and an understanding of peoples stories brings out the truth for them, the telling of which can move people further on in their journey of truth seeking and ultimately to a more reconciled place. Such a place may be where, "Love and fidelity have come together; justice and peace join hands", (Psalm 85). Reverential listening and compassionate support are some of the ways the churches can enable people in the restoration and transformation of their relationships with others.

6. BROAD OPTIONS

6.1 This generation is in a unique position. It has lived through the violence of the past 35 years (perhaps even recalls the circumstances and events that preceded it) and is living through the transformation of political arrangements which we continue to hope and pray will ultimately bring us conditions of non-violence and ultimately peace between our traditions. We are faced, therefore, with a unique set of opportunities which no future generation is likely to face. Things that could only be done in this generation will be impossible for future generations to undertake. Implicit in this is the fact that actions taken now could contribute to the healing referred to earlier. Conversely, if we do not take such opportunities, or if we do the wrong things, then we might be worse off.

6.2 So what might our options be? We believe they are as follows:

6.2.2 Leave things as they are; do nothing in the short to medium term and leave any initiatives the determination of future generations. Therefore, in the foreseeable future we would have:

- No special regional processes.
- No actions to address outstanding or unresolved justice matters.

6.2.3 Embark upon a range of actions as soon as is agreed and considered to be appropriate which could include one or more of the following:

- Processes of acknowledgement and remembrance.
- Chronicling personal experiences/story-telling; and/or,
- Pursue justice matters through normal investigative and judicial processes and enquiries.

We believe it will be important for the British Government, in consultation with the Republic's Government, to inaugurate and support a wide consultation on these and other relevant ideas which will enable us to arrive not only at the best way forward, but also to take heed of specific issues and details that could assist in the construction of arrangements which would have the widest acceptance.

6.3 In considering the role of the churches, we see possibilities in three directions.

6.3.1 The first option is to join with other social partners, statutory agencies and voluntary groups, not least the victims' groups in a community-wide initiative, perhaps such as that being presently considered by the Secretary of State, the focus of which is very much on the healing of relationships, as well as acknowledging and chronicling of personal pain and loss.

6.3.2 The second option is to invite other churches to join with us in a joint initiative. This could take the form of each church working singly but in unison with their members in a pastoral approach such as that described above. Alternatively, the churches could combine to provide a collective and co-ordinated response. We see this latter approach moving beyond the immediate pastoral reasons for an initiative having elements, and challenges, of reconciliation.

6.3.3 Finally, as Methodists, we see possibilities in developing an internal pastoral response to our church members and others who would wish to be associated with the church's initiatives. To that end we have developed a series of ideas which amount to a programme of action which could be undertaken by the Methodist Church over the next two to three years. (10.1 & 10.2).

6.3.4 A determination of which approach would be adopted by the Methodist Church would hinge upon any decisions concerning wider community initiatives that might be undertaken following consultations sponsored by the two Governments.

7. POSSIBLE WAYS FORWARD

7.1 *Outstanding judicial issues*

7.1.1 We recognise that the very significant number of outstanding unresolved murder cases (not to forget the countless unresolved cases of assault and other incidents associated with the Troubles) represents a major challenge to the Governments, policing and judicial services, to say nothing of the huge resource implications. The idea of some quasi-judicial process that would address such matters seems to have been speculated upon, although whether this was precisely the intention of Government is unclear to us.

7.1.2 However, as already indicated, we are inclined to conclude that unless there is widespread support to do otherwise, it would be better to approach such matters through the conventional enquiry and prosecution mechanisms, perhaps with external help and monitoring. It is hard to justify putting in place processes that could be deemed to be a lesser form of justice and which might therefore be challenged under human rights provisions.

7.1.3 We do not support the notion of outstanding judicial matters being the subject of independent enquiries unless there are distinctive reasons for doing so. We would be critical of decisions about such matters continuing to be the subject of political deals, made in the context of trade-offs. This, in our view, brings the whole process into disrepute. It also leaves others, whose circumstances are perhaps equally worthy of such merit, yet whose interests are not being advocated by politicians in influential positions, being increasingly isolated and marginalised from a sense of justice and fair play. Clergy and church members will be very sensitive to the thought that the fellow adherents who have suffered through the Troubles and whom they seek to support pastorally are "special cases" even though in the vast majority of cases they have no public or political profile.

7.2 *Acknowledging and chronicling*

7.2.1 We would encourage the two Governments to explore the possibilities of a process being developed that could respectfully and reverentially receive the personal testimonies of those who have been directly and adversely affected by the Troubles.

7.2.2 We, therefore, propose that the voice of people affected by violence could be heard through a Forum. The purpose of the Forum for People Afflicted through Violence would be to allow people to tell the story of their suffering, to have that story accepted, understood and acknowledged by the Forum, on behalf of the total community. Through this process, the total community and its institutions would be enabled to recognise the consequences of violence. The Forum would depend upon some issues it could not handle being addressed through other processes (such as outstanding judicial issues discussed above).

7.2.3 The Forum would be established with the support of the Governments, the political parties in Northern Ireland and the Churches, and legitimised and empowered to receive submissions from the victims of violence. It would be funded jointly by the two Governments and possibly with additional international funds. The Forum would be presided over by a person of high standing, held in esteem by the sponsoring Governments, parties and churches. The chairperson would be assisted by other members who would be drawn from interests to the conflict.

7.2.4 The Forum would have a secretariat to support its business, and would be located at a designated place in Northern Ireland, with the freedom to convene at other locations, if desirable. It would be strictly non-political and would only receive evidence which articulates the human and personal pain and suffering. It will have no executive function other than to ultimately report to Government. Submissions could be received in person or in writing (or in other forms determined by, and acceptable, to the Forum). They would be recorded and placed on record in published form (with due account being taken of confidentiality where necessary).

7.2.5 At the completion of its task, the Forum would issue a final report, with any observations and recommendations for the attention of the sponsoring Governments, parties and churches, on such matters as the overall impact and scale of violence, the nature and type of further help and support for victims, and on how we ought to remember in a sensitive and meaningful way. We accept that much has been done, and is being done, in this regard, to mention but two: the Bloomfield Report, "We will remember them", and the work of Healing Through Remembering.

7.2.6 The Forum should initially convene for up to two years (and make recommendations after 18 months as to whether that should be extended).

7.3 *A memorial?*

7.3.1 We believe that it is probably too soon to think in terms of formal memorials to those who have died. We believe that as it would be essential to take account of the views and feelings of those directly affected by the violence, most notable those who have been bereaved, it would be impossible to contemplate for the foreseeable future circumstances in which agreement would be reached on the form a memorial would take.

7.3.2 However, we see potential for initiatives that would offer alternatives to a memorial but which could somehow represent some aspect of our collective experience. This could take the form of an expression of hope or commitment to a better future. Mindful that if we develop an archive of stories and other material then it might be appropriate to develop a repository which could accommodate this, and which could be held, and added to, with regard for the sensitivity and importance of the contents, making whatever can be made available for public reference and consultation. The archive and the building which contains it could become a tribute. This would seem to be in line with Bloomfield's beautiful house in a beautiful garden

8. CRITICAL CONDITIONS FOR SUCCESS

8.1 For such processes to be possible and for them to deliver the hoped for benefits to the community and especially for those who have been directly affected by violence, we believe a number of important conditions or requirements must be met.

8.2 *A resolution of the present political impasse*

8.2.1 There must be a resolution of the present political impasse. Our concern would be that continued political uncertainty and squabbling could impact adversely on such processes as are being proposed.

8.3 *Clear indication that violence is a thing of the past*

8.3.1 Whilst the fear, threat and potential of violence remain, it is difficult to think of how processes such as those being described here could work effectively. Having said that how can we ever be sure that the violence is at an end, particularly when renegade and criminally motivated persons and groups want it to continue? Nonetheless, we believe that it is possible to think of the community reaching conditions whereby there is sufficient confidence that the violence is a thing of the past to allow these healing processes to commence. Current efforts to bring about decommissioning of republican weapons (and hopefully loyalist weapons) and the engagement of the loyalist paramilitaries are welcomed and encouraged along with the continuing role of the IMC.

8.4 *Governmental and broader support*

8.4.1 The support of the political parties would be essential. This would take the form of politicians and Governments lending their moral and practical support to initiatives such as those proposed above. At the same time, we believe that politicians would need to resist the temptation to control or unduly interfere with whatever processes are put in place. It would be helpful for politicians to give leadership and lend support to agreed initiatives. In short, for the proposals that will take us further and address divisions in relationships to work political support, political respect and leadership for processes will be essential with clear indications that these processes will not be hijacked and abused politically. This might seem like a lot of demands. However, we would offer the view that the politicians have had a key part to play up to now, and will continue to have such a role in delivering governance and meeting responsibilities. We see what is being proposed as a parallel process to the political process, which principally facilitates the engagement of wider civic society, and as such we believe, on this occasion, that politics should play a lesser part.

8.5 *“Up-take”: how many will come forward*

8.5.1 We believe it would be difficult to determine in advance how many people would take up the opportunity of participating in this process. This will depend upon a number of things including:

- Who initially would be interested?
- How much the work (and early success) of this process would encourage others to participate.
- The contribution of self help and other groups.
- The degree to which the process was seen to be appropriated by one political or sectional interest or another.
- The “tone” set by the people responsible for the process.
- How the Forum would address initial and on-going conflicts and divisive issues.
- The range of options for participation (ie personal appearance, written submissions etc).

8.5.2 The positive support and involvement of victims groups will be critical both in terms of giving confidence for people to come forward to participate and in offering the support that is rightly recognised as vital.

8.6 *Therapeutic value: the degree to which people will open themselves to possibilities for healing*

8.6.1 Whilst the Forum’s role would not be directly to bring about psychological recovery and well-being, it would be intended that it would support such healing and assist individuals in securing services to address such needs, should that be indicated. A key intention would be that the Forum would set out to “do no harm” although given the complexity of the issues involved that could not be an assured objective. We believe that the tone of the process needs to be facilitative, reverential, and supportive. To do this it would reject adversarial or inquisitorial approaches in favour of discursive or therapeutic processes. Formal legal and political approaches would not be appropriate.

8.7 *Post story-telling stage: the commitment to continue to offer support in all its facets*

8.7.1 As indicated above, at the completion of its work the Forum would publish and archive the personal accounts. Where possible each contributor would be provided with a record of their submission. We would hope and expect that the experience of sharing their personal account would be helpful whilst it might cause short-term distress. Through a combination of support from family, friends and other social and community means of support (including the churches), services (statutory and non-statutory) involved in caring and treating people affected by the violence and with support through the Forum, people would be assisted before, during and after their involvement with the Forum.

9. DANGER/RISKS

9.1 *Politicisation*

9.1.1 We have mentioned above (8.4.1) that there is a concern that any healing process might be dominated by political parties with their respective agendas. There is, therefore, a wide-spread concern that any initiative in the realm of healing and/or truth recovery will perpetuate divisions and enmity. We believe that a pastoral and reverential process may just strike a chord with many as it seeks to avoid the pitfalls of party political perspectives, claims and counter claims. Critical to the satisfactory conclusion of such processes is the commitment by all political parties to, on the one hand, support the processes (and any bodies established to deliver on their objectives), whilst, at the same time, desisting from abusing and monopolising them for party or sectional interest. If such commitments are not forthcoming then it is hard to see how we could proceed.

9.1.2 It is the view of the Methodist Church that politics has understandably been the focus of attention but at the expense of the engagement and imagination of the wider civic society. We see the process described here as being about the participation of wider society.

9.2 *Legal issues and revenge*

9.2.1 A major concern of any truth recovery type process is that information gained through an open commission-type hearing or procedure may be abused to the point where revenge is actively sought by the former victim or by those purporting to be acting on behalf of that victim. Similarly, issues could arise which pose a legal jeopardy to another. We believe that due thought would need to be given to these areas both in the planning and undertaking of the process.

9.2.2 The Forum as proposed above (7.2.2) may well operate for most of its hearings on a very quiet, intimate, personal level without the glare of media intrusion (the hearing may be sound recorded). Indeed, it would be for the victim to decide how their story is to be told. Therefore, it is more than possible for victim and perpetrator to hear each other's stories, or to respond to each other's questions, without breaking confidentiality. We believe that the wholesale recovery of the truth will be exceptionally difficult to achieve but that the church can act as a facilitator/honest broker, as it has in other circumstances. It must be said that the experience of other countries is instructive as they have tried to deal with their past. It would inform us that there is not much, if any, desire for revenge.

9.3 *Timing*

9.3.1 When considering the checklist for considering the commencement of any truth and reconciliation type mechanism, appropriateness and timeliness stand out. We believe that any process in Northern Ireland has to be unique to the particular circumstances, conditions, culture and convictions of this place and its people who have suffered so much. In that regard, it is our humble but considered contention that our proposal meets the first of those two requirements. The imponderable issue concerns the critical question of timeliness. As with many things in Northern Ireland politics, the phrase, "too much, too soon; too little, too late" comes readily to mind.

9.3.2 There is the valid claim that people will not be prepared to tell their stories until they are genuinely satisfied that violence is a thing of the past, clearly and demonstrably. Thus, the political deal has to be struck and a semblance of stability and normality need to follow before any proper exercise in dealing with the past can be fully and safely explored.

9.3.3 There is, however, an alternative, and equally valid, argument which states that it will be for civil society and for ordinary people to lead the way before the politicians will have the confidence to copperfasten any political agreement. Some would say that is the position now. We know of initiatives, already underway, where for example, those affected by violence are in dialogue with those they hold responsible for their losses and experiences.

9.3.4 It is our feeling, as we encounter and engage, that the time is indeed fast approaching but a judgement about this is a matter for wider consideration across the community. There is, at present, a frustration held by many with the seemingly endless political wrangles and stop-go negotiations. Even if they do reach, as we hope, a successful conclusion, sooner than later, victims should never feel pressurised to tell their story—or forgive—just because society in general has moved on. In all likelihood, this will be a process which will take many, many years. Whilst we propose a definite life to the work of the proposed Forum, the archive collection (7.3.2) needs to be open-ended.

9.3.5 It is the church's historic challenge to be prophetic. The church must always listen, and listen carefully, as well as to articulate honestly and accurately where its people are at, and it has not always done that. The church needs also to listen, and listen carefully, to the prompting of the Holy Spirit and there have been times when the church has been too timid. And, at times, it needs to provide clear leadership and to point the way.

9.4 *Truth recovery—very difficult to achieve*

9.4.1 Given that all the major parties to the conflict are still in situ, with too much too loose, it would be our contention that a fully-charged, extensive truth recovery programme is most unlikely. The paramilitaries—or indeed former paramilitaries—are unlikely to endorse an exercise without full amnesty, and it is unlikely that the climate of opinion would welcome that. Also, the Early Release Scheme and the expected agreement concerning the 'on the runs' means that there is likely to be no incentive (other than on the basis of humanity) for many who have been responsible for violence to assist and engage in such processes. Likewise, governments, north, south and across the water, are equally unlikely to be opening up the files for all to peruse. While wishing to get more information from opponents, there is far too much for too many vested interests to risk in a truth inquiry with full investigative, and perhaps judicial, powers.

9.4.2 However, it may be possible for individual victims to explore, search and find more information through discreet and confidential facilitation and other lines of inquiry.

9.5 *Psychological impact—re-opening of wounds*

9.5.1 Unquestionably, whether victims have come to terms with their loss or grief to the extent that they have been able to move on or not, any process which attempts to deal with the past, even no more than story-telling, risks the re-opening of wounds.

9.5.2 What is essential, therefore, in any exercise is to provide sufficient support, skills and services at the appropriate level to meet the immediate needs of the individual and to continue to offer that support on an on-going basis.

9.5.3 Looked at more positively, it would be hoped that for the majority of people this process will be, on balance, worth the effort, and that they would experience good personal and family outcomes.

9.5.4 We believe it would be helpful to take advice from other countries that have used similar processes to determine what lessons could be learned.

9.6 *Unreal expectations*

9.6.1 There must be an incentive in order to draw people in. Yet, there is always the danger that hopes and expectations are too grandiose in the first place and may not, therefore, be realised for truth, healing, closure, or reconciliation. The lesson from South Africa is pertinent over the scandal of the issue of reparations which have yet to be passed on to the victims.

10. FINAL CONSIDERATIONS

10.1 Clearly, as has been stated throughout this submission, it is the hope and desire of the Methodist Church in Ireland that a community wide initiative or series of initiatives will indeed be possible. If, for whatever reason or reasons, that, or a joint church approach, does not come about, then we would consider developing an internal pastoral response as already mentioned. (6.3.3)

10.2 *A general overview of a Methodist based initiative is as follows:*

10.2.1 To establish a process whereby all Methodists⁹⁵ who have been affected directly by “the Troubles” who wish may tell their story in a safe environment, where pain, hurt, anger, loss, despair and other understandable human emotions may be acknowledged, where a place for some healing of these wounds may be found, where those involved in past deeds of commission and omission may seek repentance and where forgiveness, if possible, may be offered, and through this where strength to move on in faith and hope may be found, where human dignity can be affirmed and where the possibility of reconciliation of self to God and to others may occur.

10.2.2 To dedicate to God an archive of material (in all its variety of forms: story telling/narrative, poems, prayers, banners, paintings, music and other creative ways) and to produce (in a variety of ways: Book of Remembrance, web-site, publication, articles in the Methodist Newsletter, display material and as source material for worship) an account of the effect of “the Troubles” on the Methodist people as well as the contribution of Methodists to community relations, and equally importantly, the recognition and acknowledgement of how Methodists, and especially others, have helped Methodists who have suffered, and to offer this archive/chronicle, in reverence, as a Methodist contribution to a common understanding of this turbulent period.

APPENDIX 10

Memorandum submitted by Senator Maurice Hayes

One of the great problems for societies like Northern Ireland emerging from a protracted period of civil conflict and violence is how to achieve reconciliation and justice for victims. There is often a tension between the two. Although there are common themes for a lot of cultural and historic reason, each situation tends to be sui generis. It is dangerous to think that a “solution” can easily be imported from another conflict situation.

There are two conflicting demands for justice (meaning punishment) and truth—(full disclosure of who was responsible). In South Africa and Chile, this was resolved by offering amnesty, which did not please all the victims.

Furthermore, justice can be retributive (involving punishment) a restorative, involving the repair of community relations.

⁹⁵ Members of the Methodist Church, who worship or have worshipped with a Methodist society or whose only link with a church is through Methodism.

I do not believe that there is any simple universal prescription. It may be necessary to work through a range of modest initiatives rather than in one grand scheme.

Tribunals on the lines of Saville are scarcely to be considered. Apart from the time and expense involved, they seldom get at what might be regarded as “truth” and do little for reconciliation.

I do not believe that the South African style, Truth and Justice Commission, can be transplanted to Northern Ireland. I have spent some time on visits to South Africa speaking to some who were involved. Many of them would not wish to repeat the process.

In any case, the South African conflict is over and all are agreed about the outcome. This is still in dispute in Northern Ireland—which is still in transition. Many indeed require truth as a means of personal and familial closure, but there are others who see the search for truth as a means of prolonging the struggle.

The Good Friday Agreement talks of a new beginning. There is an argument for drawing a line under the past, on all sides, and pressing on, leaving it to future historians in more settled times to tease out what actually happened.

If there is to be a scheme, it should not simply be thought up in the N10 And announced to the world. There is much to be said for assisting groups representing victims (on all sides) to work out for themselves how to handle the pain of the past. There should be no hierarchy of victims—all have suffered, and in some cases perpetrators are victims too.

A question arises about what to do with the 1,800 unsolved murders—which could absorb all police resources for years ahead. It may be possible to give relatives, who require it, a summary of what is known and then close the file.

Paramilitary organisations as part of any settlement might be asked to provide information on the disappeared.

People should be given the opportunity to tell their story which could be recorded and preserved in an archive.

Perhaps, the best contribution so far has been “Lost Lives” of McKettrick et al and a new edition might be funded which would flush out the stories with whatever new information might be gleaned.

Some people need therapy—they should have it.

Others have suffered through the loss of a breadwinner, lost education, homes broken. They should be compensated in one way or another.

APPENDIX 11

Memorandum submitted by Sinn Féin

TRUTH, HEALING AND CLOSURE

The British Government as a major protagonist in the conflict in Ireland is partial and partisan. It must not therefore arrogate onto itself the right to establish a process to deal with “Truth” and transitional justice issues in Ireland. An independent referee is required.

It is a matter of historical fact that the British state has never been able to handle the “Truth” about its role in Ireland. Amongst other things the “Truth” records partition, discrimination, Bloody Sunday, the Dublin-Monaghan bombings, and systematic institutionalised collusion with unionist killer gangs.

For decades successive British governments have denied corporate responsibility for the conflict in Ireland and covered up the involvement of their military, intelligence and police agencies in the murder of citizens.

The announcement by Tony Blair and Paul Murphy in April of “a pre-consultation process on finding a way to draw a line under the past” was greeted with cynicism by many people in Ireland—not least because it coincided with the publication of Justice Peter Cory’s report into collusion between British state forces and unionist paramilitaries. This is much too sensitive a subject to be treated in this way.

Two months later, amidst much publicity, Paul Murphy travelled to South Africa, “to look at international models of truth and reconciliation”. Has the British government suddenly been converted to the need to tell the truth about its activities in Ireland?

These recent developments provide no evidence of a change of attitude on the part of the British Government to a policy of cover-up in Ireland extending back generations.

SINN FÉIN

For our part Sinn Féin has been proactive in trying to address the issues of truth, healing and the past. We are committed to finding an agreed way forward. In September 2003 we published and circulated our proposals and have actively engaged with a wide range of groups and individuals. We have also been in contact with the UN seeking advice on mechanisms for transitional justice and in particular, on the necessity for independence in any process, which might emerge in Ireland.

Our position is clear. We support relatives in their search for truth. We support campaigns for full and open disclosure in the quest for truth and justice. This includes the campaigns for inquiries into the killings on Bloody Sunday and of Pat Finucane, Rosemary Nelson and Robert Hamill and also those arising from British and unionist collusion on both sides of the border.

THE GOOD FRIDAY AGREEMENT

The Good Friday Agreement of 1998 requires the parties “to acknowledge and address the suffering of the victims of violence as a necessary element of reconciliation”. After three decades of conflict, and 10 years of the peace process, there is now increasing discussion in Ireland about a truth recovery process and how it could be structured. The current efforts to end the crisis in the peace process, underline the need for this to be first and foremost about learning the lessons of the past so as not to repeat them. There could be no better start to this than for the British Government to publicly acknowledge its primary institutional responsibility and to initiate processes for examining its own culpability.

VICTIMS, FAMILIES AND THE BRITISH STATE

Tireless campaigning by the families of victims has placed “Truth” on the agenda and brought hitherto hidden facts into the public domain. One thing is clear—until the British state abandons its policy of cover-up and concealing the truth there will be no closure.

Some families have spent decades in pursuit of the truth, coming up against one closed door after another. In only a few cases have inquiries been conceded. In the vast majority of cases, however, those who have lost loved ones have been denied the truth as a matter of British Government policy. In fact every effort imaginable has been made to hide and obscure what happened to hundreds of people killed by British state and semi-state forces.

This has included different sections of the British government blocking avenues of inquiry being pursued by the Saville tribunal, the destruction of evidence in relation to Bloody Sunday; the character assassination of John Stalker when he was unearthing the truth, the curtailment of the terms of reference for the Sampson/Stevens inquiry and the refusal of the PSNI chief constable Hugh Orde to provide information to inquests.

When challenged on the true nature of its activities in Ireland the British State’s response has always been denial, concealment and cover-up. When faced with the truth it invariably lies, loses files, destroys evidence, frustrates inquests and issues Public Interest Immunity Certificates.

The British Government has, at various times over the past 35 years, tried to portray itself as an impartial referee coping with two warring factions in the North of Ireland. This is the fundamental untruth blocking progress on this issue. An act of acknowledgement on the part of the British Government and a mechanism to generate public information about its role in the conflict would transform the whole debate around “Truth” and create a new positive dynamic with regard to healing, transition and closure.

COLLUSION

Collusion with unionist death squads has been part of British policy in Ireland prior to partition and the subsequent formation of the six county state. British forces and unionist paramilitaries have routinely shared intelligence, weapons and personnel. This use of “friendly forces” to kill the enemy or “terrorise the terrorists” is not a new phenomenon. It has been used in Kenya, Malaya, Aden, Cyprus and other counter-insurgency wars fought by British governments in the 1950s and 60s. But in the 1980s, under the premiership of Margaret Thatcher, collusion became much more controlled and refined. Specific mechanisms were established to control and direct loyalist death squads. State sponsored murder was established as a politically sanctioned, tactic at the heart of British policy.

One agent, Brian Nelson, travelled to South Africa in the mid 1980s to organize the importation of hundreds of weapons and grenades subsequently divided up between the unionist paramilitary groups the UDA, UVF and the Ulster Resistance group founded by Ian Paisley. Hundreds of people died as a result. Many of those involved are still in the British system. They still run agents here. This has naturally led to deeply rooted anger, frustration and a trenchant campaign for the truth—the whole truth.

If your committee believes that a serious attempt should be made to “deal with the past”, then clearly, an international body must be invited in to do the job. No one in Ireland believes that Paul Murphy’s remit is to put in place a process, which will properly and transparently expose policies authorized at the highest level of the British establishment.

PAT FINUCANE

Since the killing of Pat Finucane by a British/Unionist death squad in February 1989 his family has campaigned for a full, independent, international judicial inquiry. The British government has resisted this for 15 years.

There is a remarkable reluctance on the part of your government to get at the truth of this matter. Pat Finucane’s killing is only the tip of the iceberg. He and hundreds of others died as a consequence of the administrative practice of collusion which oversaw British agencies arming, training and providing target lists and information to unionist paramilitaries who then carried out the actual murders.

If the British state and its agencies are serious about uncovering the past in order that we could all benefit from learning its lessons they should take the lead on this issue and give us the truth. There would be no need for any inquiries if the PSNI, British Military Intelligence and the various arms of the British State in Ireland were to open up their files and encourage their employees to tell us how and why they killed hundreds of people over the years.

IMPUNITY

The impunity enjoyed by those who planned and prosecuted Britain’s war in Ireland strikes at the very heart of any notion of healing and closure. The concept of “impunity”—the fact that certain people within society are in practice above the law—will be central to any discussions on truth. To concede impunity, and indeed invisibility, to those who planned and perpetrated Britain’s dirty war is to invite contempt for the rule of law and thus undermine one of the fundamental premises of democracy. The principal argument for this is not one of retribution, but to signal official condemnation of their behaviour and prevent its recurrence.

There was never any question of impunity for Republicans—15,000 of them spent 100,000 years in prison.

THE WAY FORWARD

We have grave concerns about how the British Government is approaching the issue of truth recovery. The NIO claims to be engaged in some form of consultation yet no victims groups that we are aware of have been consulted. Perhaps your committee will be able to establish which groups, if any, have been invited to contribute.

If the intention is to direct and divert the debate towards a process of storytelling for victims, it will not succeed. Giving people the chance to tell their stories can play an important part in the quest for closure. Republicans recognise this. It can however be only one part of a package. For an even greater number of people and for the overall health of society, there is a clear need for a process of historical clarification, which would look at the “causes, nature and extent” of the conflict. Anything less will only re-enforce the hierarchy of victims established by the British State and serve a narrow and self-serving British Government strategy of concealment.

Sinn Fein is not being prescriptive with regard to the issue of truth recovery, we are not attached to any particular model. Anyone genuinely interested in discussing ways to bring healing and closure to people who have suffered as a result of the recent conflict, will find our door open. We believe however that there are certain values and principles, which should underpin any process.

- Those participating should be informed by humility, generosity and a desire to learn the lessons of the past.
- It should have National Reconciliation as its core aim.
- The United Nations or another reputable international agency must be involved from the outset.
- Any process should be victim-centered, with no hierarchy.
- All of the relevant parties should agree to full co-operation and disclosure.

Two things must now happen if this discussion is to be advanced:

- (1) The British government must acknowledge its role in creating and maintaining the conflict in Ireland.
- (2) It must then sit down with the other relevant parties to agree a credible independent body to facilitate a process of truth recovery.

APPENDIX 12

Memorandum submitted by the Colombia Community of Prayer and Reconciliation

In reply to your recent inquiry about possible ways of dealing with Northern Ireland's past and bringing about the reconciliation and healing we all desire and require in order to move on with our lives, we feel we have a contribution to make.

In our experience of over 25 years in Columba Community of Prayer and Reconciliation in building peace, the way we found effective is the Good Friday Repentance Service 1985 outside the Guildhall (see enclosed document). We feel this deserves your attention. This was the culmination of several meetings over preceding months where a small group of representatives from the four traditions (denominations) who know their history, could learn to trust one another enough and give their honest perception from their side and be listened to respectfully. In time this process resulted in each group taking ownership of a list of faults, unjust procedures and sins. It was only then that these people could honestly confess, admit, relay on their own behalf and on behalf of all those who would accept these declarations and genuinely and honestly request the other sides forgiveness in a public or a semi public way. The months following this repentance service saw the longest period without violence from any source in Derry for 17 years at that point. Surely this is saying something. It was pioneered in Derry in 1985, refined and held again in 1988 in Belfast Dublin and London.

As you will see from the enclosed brochure⁹⁶, the process is as important as the end result. We feel that it worked and that when refined further it will work even better. I am copying below on this word document the content of our website referring to this initiative. We will send a hard copy of this and a copy of the booklet we printed at the time. The fact that the Agreement about which we are presently negotiating was signed on Good Friday quite a few years later is significant.

Trusting this is helpful in your work. We wish you well in your deliberations. If we can be of any further assistance on this matter please do not hesitate to contact us.

1 December 2004

(Text on Web site)

<http://www.columbacommunity.homestead.com/GoodFriday.html>

Good Friday 1985

For quite a few months prior to Good Friday 1985 we met as a community with individuals of other Christian Denominations and after a lot of soul searching and with quite a bit of trepidation we embarked on this initiative. We believe it has far reaching implications for all of us in Ireland and for the whole world.

An awesome statement but think about it!

I am happy to be able to give you this event in word form which you can copy out and contemplate and I believe that we will look closely again at the implications and do something about it. With your prayers and support we should have no need to doubt that what we do will bear fruit.

We need to Build Peace and we are delighted to be able to continue our work in this area.

We will shortly be re-establishing contact with other Peace groups to maximise our efforts.

Good Friday Confessions Derry City 1985 and still relevant worldwide

(File on Web Site [taken from enclosed booklet which we had had printed at the time].)

RECONCILIATION

I have always known that the initiative below, worked at in prayer and enacted so radically at a time in our history when taking to the streets to process religiously may have been considered foolish, was powerfully significant.

How foolish indeed of those who think there is any other way to heal a wound so deep. I am delighted to be able to put this on our web-page for your study and contemplation. Many ministers and priests and even organisations in searching for an answer to Community Relations have since tried to use an adaptation of this model or re-invent a different wheel but I ask always Why not go again with this first effort, improve on it and release again the power that it generates?

⁹⁶ Not printed.

APPENDIX 13

Memorandum submitted by Mr Oscar Daly, Consultant Psychiatrist

I write as a psychiatrist with an interest in the whole area of trauma to express to you my personal view regarding how reconciliation might be sought.

I believe reconciliation is fundamental to future peace. Whenever a war ends, whether by peace process or because one group of combatants stop, the same dynamics originally present persist with risk of further violence unless there is reconciliation and a change in attitudes. During periods of violence there is the process of dehumanisation? in order to kill, one has to dehumanise not only the enemy but also one's self. For true peace, which is about recovery, healing and a reduced need for retribution, one needs de-dehumanisation.

To move forward one needs to exorcise Plato's ghost (he said there is only one universal truth) and we need to recognise that many truths are valid. The process needs to be a non zero sum game so that each side is a winner. Clearly, leadership will be vitally important. Superordinate goals should be set, ie goals which are important for both sides and which cannot be attained without co-operation.

It must be accepted that healing is a long, slow process. It is important for individuals to tell their own story. With a careful approach one can tell the story in a way that is emotionally safe and constructive. It must be recognised that, whilst it is very important for survivors to remember, remembering, which can be healing, can also reopen wounds. Testimonies, which should be heard in public, may be very shocking to survivors, those bereaved, etc. because of the cruelty and brutality of the testimonies. While there will not be the opportunity to offer release from prison for testimony, the offer of amnesty, which would legitimise the actions, for him/her, of the perpetrator testifying, must be considered.

In my opinion, perhaps the approach most likely to succeed in attaining reconciliation is probably a public health approach rather than purely a legal or mental health approach. Understanding the causes of violence and the associated trauma can lead to recovery. Vicarious traumatisation, not just in the past, but of those involved in any reconciliation forum is an issue which will also need to be addressed. Essentially, the past needs to be addressed at various different levels including societal (as in the TRC in South Africa), community, family and individual (as in a simple trauma model).

As noted above, healing and reconciliation will be a slow process but, if planned and developed with great care, such a process can help society in Northern Ireland successfully deal with the past.

APPENDIX 14

Memorandum submitted by Towards Understanding and Healing

Much is being heard of "storytelling" as options are explored for helping the people of Northern Ireland to "move forward from a history of division and conflict" into a truly shared society. As international situations of truth recovery, such as the South African model, are being examined for potential application to Northern Ireland, many people are asking if there are ways of translating such learning into a culturally appropriate model. One project that has fused international storytelling techniques with localised approaches in order to create storytelling opportunities for people affected by the conflict in Northern Ireland is Towards Understanding and Healing.

Towards Understanding and Healing is an organisation that recognizes individual experience in the context of the larger story of conflict in Northern Ireland. Towards Understanding and Healing offers a safe space for people to begin to articulate personal stories and also to listen to other stories, or "truths," in a way that does not diminish their own experience. Because of Northern Ireland's diverse history and culture, no one person can tell the story of the past thirty years. This project emphasises the need to bring together all of the disparate narratives that comprise the story of Northern Ireland in order to better understand the effects of the past and the potential of the future.

BACKGROUND

The 30 years of the Troubles in Northern Ireland left much pain and suffering in their wake. With the signing of the Good Friday Agreement in 1998, a space to finally address this pain began to appear. Agencies and organisations working on the ground saw a need for a project that could create a safe environment for individuals from diverse backgrounds to share their stories of the Troubles with each other across community boundaries. With this sharing, individuals and the wider community could begin to process the legacy of the conflict.

In 1998, a working committee was formed, representing various agencies in the field of community relations/community healing. Spearheaded by Derry/Londonderry-based organisations, but comprised of membership from throughout Northern Ireland, the working committee established Towards Understanding and Healing as a Northern Ireland-wide project. As the committee began the process of establishing methodologies, the project was informed and influenced by other dialogue/storytelling projects

both in Northern Ireland and abroad (see Influences and Methodologies). Based on the stated needs of their various constituencies, the committee began exploring the possibility of bringing a group of former soldiers and parents of soldiers killed in Northern Ireland to meet with various individuals interested in exploring and understanding the impact of the conflict and the consequences of the soldiers' presence in Northern Ireland.

In November 2000, the first Towards Understanding and Healing residential was held in a safe, neutral location in Northern Ireland. The event brought together former British soldiers; parents of soldiers killed in Northern Ireland; victims of state and paramilitary violence from Northern Ireland and the Republic of Ireland; former paramilitaries and community leaders. In order to provide a wider context for the participants, the entire process was influenced by contributions from representatives from areas of international conflict (To Reflect and Trust; see Influences and Methodologies).

Due to the highly successful experience of the first residential and the subsequent requests for further residentials, a virtually identical event was held the following year. Again, demand was great for this type of serious storytelling encounter. In response, the Towards Understanding and Healing committee created an opportunity for people to take storytelling to another level. In early August 2002, Towards Understanding and Healing, in partnership with To Reflect and Trust, organized an international conference entitled "Peace is Tough". Taking place in Derry/Londonderry, the conference brought together a wide range of politicians and community activists from Israel/Palestine, South Africa, Germany, the United States and Northern Ireland to explore the relationship between those at the decision-making/policy-making level and those working at the grassroots level. The conference examined the compromises made towards the attainment of peace, what is meant by peace and the relationship between peace and human rights, among other topics.

With the success of the first residentials and the conference, it became clear that there was a need for a continued Towards Understanding and Healing presence. The first three events had taken place on an ad-hoc basis as money could be gathered from various sources, and community relations practitioners had donated time to organise the events. In order to stabilise the organisation and to widen its scope, Peace II monies were sought and gained from the Special European Union Programmes Body. In autumn 2003, a full-time coordinator and part-time administrator took up post and began to structure a full, working organisation that could facilitate storytelling and dialogue-based encounters. Since that time, the organisation has continued to strengthen connections with other organisations in Northern Ireland, the Republic of Ireland, Great Britain, and abroad.

INFLUENCES AND METHODOLOGIES

The development of Towards Understanding and Healing was informed and influenced by both research on the need for storytelling and dialogue as well as the experience and practice of other projects in both Northern Ireland and abroad. The three major influences are as follows:

An Crann/The Tree

The primary model of practice was based on the work of "An Crann/The Tree," a Northern Ireland-based organisation set up to help people tell and hear stories of the conflict. Started by Damian Gorman, an internationally renowned writer and artist, and Maureen Hetherington, of Derry City Council, this work included storytelling at the individual/group level and used the arts to help people articulate sometimes-painful memories. The ethos of An Crann/The Tree was one of inclusivity and validation of all individual experiences. By gathering and sharing the disparate narrative, the organisation aspired to connect people to the human and emotional detail of the hurt that has been done to all during the course of the Troubles. In 1998, An Crann/The Tree's three-year plan came to a close. Towards Understanding and Healing was seen as the logical "second-phase" of this important project, using storytelling and dialogue to help in the healing process.

Brits Speak Out

Around the Good Friday Agreement in 1997–98, John Lindsay, a writer/researcher for the Guildhall Press, made contact with a number of former British soldiers who had served in Northern Ireland over the past 30 years. These soldiers shared their stories with Lindsay who compiled them into a book entitled *Brits Speak Out—British Soldiers' Impressions of the Northern Ireland Conflict*.

In the course of the research it became apparent that there are many combatants and ex-combatants who suffer from social and psychological problems as a consequence of their experiences in Northern Ireland. Among those interviewed, there were soldiers who expressed the need to confront their past and the experience of serving in Northern Ireland. The soldiers who articulated their story felt that describing their experience was in some way therapeutic. A number of soldiers expressed an interest in revisiting Northern Ireland to engage in dialogue with a community that they perceived as the "enemy."

Lindsay's research reinforced the idea that there was a need for a safe storytelling space. His book was influential in the inclusion of former British soldiers in the first residential, which sought to encourage rarely-heard voices of people impacted by The Troubles.

Consequently, Lindsay's pioneering work resulted in the inclusion of people from Great Britain in the storytelling residential. Their inclusion then resulted in some of the first major acknowledgement of the suffering experienced by people from England, Scotland and Wales as a result of the Troubles. *Towards Understanding and Healing* became instrumental in helping to set up the Legacy Project (Tim Parry Johnathan Ball Trust, Warrington Peace Centre) in order to acknowledge and meet the needs of these victims/survivors.

To Reflect and Trust

The format of the first residential was based on two models. The first was an international model of practice entitled "To Reflect and Trust," which was set up by Prof. Dan Bar-On of Ben-Gurion University in Israel. Prof. Bar-On was responsible for creating a dialogue group between descendents of victims of the Holocaust and descendents of Nazi perpetrators. The model concentrates on interactive workshops where participants are encouraged to share experiences at a personal level within a group setting. Bar-On's research is focused on exploring holistically the generational reverberations of conflict on societies struggling to come to terms with their violent history.

Prof. Bar-On attended the first two *Towards Understanding and Healing* residential, bringing his knowledge and experience to the group as a guest speaker/facilitator.

Prof Bar-on attended the first two *Towards Understanding and Healing* residential, bringing his knowledge and experience to the group as a guest speaker/facilitator.

CURRENT WORK

Over the years, *Towards Understanding and Healing* has developed a two-pronged approach to facilitating important encounters. Storytelling allows participants to tell and hear personal stories in a fully supportive atmosphere. Dialogue provides participants with the opportunity to have more challenging exchanges as critical issues pertaining to the conflict in Northern Ireland are discussed. Both types of encounter take place in single-identity (ie only Catholics, only Protestants), as well as cross-community (ie Catholics and Protestants) contexts. Both storytelling and dialogue events are generally carried out on a residential basis, as this format allows for a greater feeling of safety for participants and the level of work that takes place can be more intense. Safety is a key aspect of every encounter facilitated by the organisation; however, participants are encouraged to allow themselves to be stretched and to grow as a result of these encounters.

Because of the diversity and number of programmes carried out each year by *Towards Understanding and Healing*, it would be difficult to outline each in the space provided. However, some examples of programming include:

Storytelling Residential

Similar to the initial residential projects of *Towards Understanding and Healing*, these weekend residential are held for people who have been impacted in some way by the Troubles in Northern Ireland. The weekend is designed to provide people from Northern Ireland, the Republic of Ireland, and Great Britain with an opportunity to come together to explore individual and shared experiences. The focus of the weekend will be an opportunity to connect with others through the telling and hearing of individual stories. This weekend will be a unique experience for many of the people who attend, bringing together people from all perspectives of the conflict in Northern Ireland to discuss its legacy in their lives. Past participants have included: people who lost children or partners in paramilitary bombings, people who lost a parent or partner who was serving in Northern Ireland with the British Army, people who were affected by State violence, loyalist and republican ex-prisoners, disabled RUC/PSNI officers, members of English police forces affected by IRA bombings, etc.

Towards Understanding and Healing uses a very straight-forward, "no gimmicks" methodology in our storytelling process. In small, well-facilitated groups of approximately six people, participants are given the opportunity to talk about their life experiences in as much or as little detail as is comfortable. Each person can generally take as much time as is needed and speaks without interruptions. At the end, the speaker can decide whether or not to take questions or have any discussion about their story. This deceptively simple format allows for some very complex ground to be covered in individuals and in the life of the group. While this process is not psychoanalytical or clinically therapeutic, many of its results can be quite healing for

individuals, opening them to possibilities that were, previously, not available to them. The storytelling process is always managed and facilitated by highly trained professionals, some of whom have training in clinical methods.

“I had discussions with people who I never thought I would have access to meet and it was a very moving experience.”

“I was touched at a deep level hearing other people’s stories and relating my own experiences, some of which remain surprisingly raw.”

“I found it very harrowing, but also enlightening—I gained a better understanding about people’s loss and suffering.”

“Risk taking at its best!”

Storytelling Training for Community Workers

For professionals working in the community who have not experienced the storytelling process, there is much confusion about what it is and why/how it is used. Particularly as increased mentions of storytelling come from higher government (ie the Secretary of State) in relation to South Africa’s Truth and Reconciliation process, people in Northern Ireland have an increased desire to know what storytelling is about. This residential training has been held for community relations workers to familiarise them with Towards Understanding and Healing’s storytelling methodology. Participants experienced the storytelling process in small groups and received training in the process and ethics of storytelling. Facilitators were storytelling “veterans” from Northern Ireland who could lend their insights into the purpose, history and methodology of the storytelling process in Northern Ireland.

“Must continue this work—needed in every community.”

“I would certainly like to take this back to the women’s group within the community where I work and maybe with young people in a cross-community context.”

“I feel that I am leaving with a greater understanding and some skills.”

“Very helpful, very in-depth.”

Dialogue-Based Conferences

In the political aftermath of the Troubles, individuals and communities have been left wondering how to pick up the pieces of the experiences of the past 30 years. “After the Fighting Stops. . .” was a residential-based dialogue encounter that sought to highlight the increasing role of dialogue and storytelling as a way by which to give individuals a voice in piecing together the wider picture of what has taken place in Northern Ireland during the conflict. Specifically, the focus of the event was on concrete ways of achieving community healing and moving forward as a post-conflict society. This conference drew together a fully-representative cross-section of Northern Irish society, as well as those affected by the Troubles from Great Britain and the Republic of Ireland, to examine storytelling and dialogue as a tool in addressing the affects of the Troubles on individuals and communities.

The conference sought to shake up the typical conference format by shifting the focus to direct dialogue between participants instead of the contributions of the keynote speakers. Participants spent much of the three days in small dialogue groups that met consistently throughout the conference. These small dialogue groups allowed participants to build trust with the members of their group that enabled them to discussing hard-hitting issues. The small group conversations were influenced by the contributions of the international speakers who came from situations of conflict in Colombia, Palestine, South Africa and Native American United States. These international presentations also allowed conference delegates transfer the learning surrounding trauma and healing from the experiences of those nations to that of Northern Ireland.

The event had two goals. The first was to provide people with the opportunity for critical encounters and opportunities for dialogue that could affect changes in thought that could move the peace process forward on the political level, while generating the potential for personal and community healing. The second was to provide people with various models of effective storytelling. Increasingly, people on both statutory and community levels are asking for opportunities to dialogue about critical issues and to explore what storytelling really means in practice. This unusual and innovative approach to bringing people together created the space to accomplish both.

“It’s the first time I have had a privilege of sitting in a group made up of victims, survivors, ex-combatants, ex-prisoners and community workers. This has reinforced my belief that the cross-community work I am involved in is worthwhile.”

“What I have learned is that there is more to the ‘Peace Process’ than political rhetoric and that there is a lot of genuine people who want to move themselves and their communities away from past hurt.”

“. . .that when individuals get a chance to meet the ‘other’ and see the real human being, a miracle happens. Healing comes to both.”

“This conference taught me the real power of properly facilitated dialogue in a safe space where I could be me, face the ‘other’ and for the first time really understand. It was a special and fantastic experience.”

CONCLUSION

Towards Understanding and Healing is an organisation that seeks to enable people who have been affected by the conflict in Northern Ireland to have access to “The Other” for conversations and encounters that would never, otherwise, take place. In this goal, Towards Understanding and Healing is finding a multitude of people who are willing to engage in this type of work. Contrary to what people might expect, former members of security forces, former members of paramilitary organisations, people who have been bereaved or injured, community professionals and “regular” members of society are eager for opportunities to access significant storytelling and dialogue encounters. While this work is not for everyone, the majority of those who engage in it find that it can lead to personal and societal breakthroughs. Towards Understanding and Healing hopes to continue, along with other organisations of our kind, to fulfil the need for these types of storytelling encounters in Northern Ireland’s society.

APPENDIX 15
Memorandum submitted by the University of Ulster; INCORE (International Conflict Research)

INCORE welcomes the opportunity to make comments on the above inquiry. We wish to make five initial points. First, this submission is not an academic, definitive INCORE position paper. Rather, it is a series of suggestions as to possible responses to the inquiry. Further, it acknowledges a range of diverse possibilities, some of which INCORE staff might agree with, some of which are contentious, and all of which are worthy of open debate.

Second, we note the politically unrepresentative nature of the Northern Ireland Affairs Committee. There is the inclusion of three Committee Members from Unionist parties and one from the SDLP. Although entitled to membership of a House of Commons Committee, Sinn Féin representatives are absent. We also note with dismay the entirely male nature of this Committee. Many people in Northern Ireland would view the membership of this Committee as being highly unrepresentative (in terms of gender and political/religious/cultural affiliation). Whatever decisions the Committee makes after reviewing the submissions to this inquiry, a Northern Ireland subcommittee should be formed that is both perceived and acknowledged as being inclusive and representative of diverse groups.

Third, there needs to be a careful balance between illuminating “ways which have been used to help resolve similar conflicts elsewhere” (South Africa, Chile, Argentina, Peru, Rwanda, Sierra Leone, East Timor, the Balkans), and the need to adapt to the specificity of history, culture and place. Those who should decide on what can be usefully adapted from elsewhere are those who have been most affected by “pain, grief and anger”. That is, while some might argue that to some extent all who lived in Northern Ireland during “The Troubles” are victims, clearly some more than others have been conspicuously affected in deep ways. It is this group of victims, that is, those who have lost close members of families, have been injured physically and mentally or have suffered explicit sectarianism and discrimination who should be represented on sub-committees and be the focus of initiatives on “dealing with the past”.

Fourth, there has been a lot of positive work already done in Northern Ireland on these issues of dealing with the past and reconciliation. A lot of this work is continuing. Duplication of work is unnecessary, and can at times be disrespectful. Perhaps the development of a comprehensive database and an accessible booklet of works already done or in progress would be useful. Further, the “Healing Through Remembering” project already has set in motion many ideas and practices that are basic to this enquiry. The project proposes 14 different forms of remembering (www.healingthroughremembering.org) and provides a constructive list of recommendations around issues related to this inquiry. Perhaps these recommendations could be extended more broadly through all parts of Ireland, where communities see and feel the need to remember in order to reconcile differences and to move on.

Fifth, “dealing with the past” is but one dimension of reconciliation, whichever conflict zones are under discussion. Reconciliation involves multi-layered processes, and an adequate response to reconciliation must deal with the past, the present (including stagnation, reasons for obstructions, ongoing sectarianism/racism/dogmatic closed-mindedness) and the future. To this end, our submission makes suggestions on this threefold basis: past, present and future stances.

DEALING WITH THE PAST

- Language matters. It is better to talk about truths of the past than “the truth”—to recognise different voices and to acknowledge different interpretations of the truth. Accordingly, rather than a Northern Ireland Truth Commission, a series of community-based and cross-community fora is preferable. There is need for local level public processes in towns across Northern Ireland to participate in processes and activities with local relevance. “Truth” is a complex concept, its potency often is self-selective. Where there are non-judgemental spaces to tell personal stories, truth may emerge more clearly, certainly more comfortably than in forced trials or formal,

legalistic Commissions. However, storytelling is not always sufficient. For paramilitary groups, police, politicians and governments, the relationship between truth, justice and accountability is more complex and needs to be explored further.

- There are things people want to remember and there are things people want to forget. Similarly, silence is sometimes a legitimate personal choice and underlying motivations for keeping silent should be respected. Again, this may be easier to do on a personal basis than on a group basis. For example, an ex-prisoner may be reluctant to talk about the specific details of his bombings or shootings, but the truth about his paramilitary group’s responsibility for creating suffering needs to be known and acknowledged.
- The acknowledgement by the British government of state complicity in contributing to suffering is imperative—silence is delaying reconciliation. An international body of respected statespersons, lawyers, political advisers, could be formed to facilitate a British government acknowledgement of its political culpability.
- What is a reasonable apology and what are the boundaries of forgiveness again are debatable issues. However, an apology is a symbolic gesture (Pope Paul II apologised for the hurt caused to the Jewish people during the Holocaust, the Japanese Prime Minister apologised for the abuse of “comfort women”, yet the Australian Prime Minister John Howard refuses to apologise to the Australian indigenous people for forced assimilation of the “stolen generation”). Debate on the meanings of apology and the significance of forgiveness can take place in religious and secular contexts. Acts of symbolic apology, repentance and remorse, and the acceptance of these acts through forgiveness are part of dealing holistically with the pain of the past. While churches play an important role in encouraging these acts, political forgiveness is connected to practical reconciliation in civil society. Others might see the fulfilment of justice, equality and human rights to be a more positive manifestation of reconciliation, rather than seeing the need for political forgiveness.
- The provision for historical commemorations, museums and historical sites is needed with the requirement that these should not have sectarian connotations, or more truthfully, that the sectarian history be acknowledged, with regret, perhaps in plaques.

DEALING WITH THE PRESENT

- Reconciliation often is linked to victims and hurts they have suffered. This is certainly the case as expressed by the 1998 “The Agreement”. Clarification, discussion, debate, open forums are still needed as to the range of understandings and possibilities as to what reconciliation really can mean. Norman Porter argues in defence of “strong reconciliation” which requires: “fair interactions between members of opposing groups” that we “overcome our antagonistic divisions by occupying common ground; and. . .the presence of a society in which all citizens have a sense of belonging” (*The Elusive Quest: Reconciliation in Northern Ireland*, 2003: 94-5). Strong reconciliation thus requires a move from “dealing with the past” to changed practices in the present. Thus, fair interactions require justice, equality and human rights; the overcoming of divisions to appreciate common ground requires combating sectarianism and acknowledging common shared civic desires (like decent jobs, good standards of living, health and integrated education); and civic belonging requires an inclusive sense of identification as well as the implementation of The Agreement.
- To this end, elected politicians play an enormous role in hindering or facilitating “strong reconciliation”. To continue to have talks, agreements and negotiations done by proxy or second-hand related messages with none of the goodwill gestures of common courtesy like handshaking, and to have a suspended Assembly works explicitly against any development of a common sense of civic belonging.
- Rectifying injustices is crucial to reconciliation processes. Certainly, in transitional justice, there is an element of restorative justice, reparations that include compensations. The possibility of such compensation should not delay legal hearings.
- Reconciliation does not presuppose resolving differences. Dissonance is part of democracy. There are many differences that cannot be resolved in Northern Ireland. Where there is mutual respect for others, difference need not dissolve into conflict. The media and elected politicians play a crucial role in public perceptions of ways to “manage” difference. If expressions of exclusion, disrespect, distrust, and closed-mindedness were called into critical questioning by the media whenever politicians and public spokespersons are being interviewed, citizens may well learn positive lessons of what is or is not acceptable if Northern Ireland is to move on from its legacy of bitterness and bigotry. Affirming, even embracing difference is crucial to actual reconciliation.

THE FUTURE

- The chief point of dealing with the past and present in Northern Ireland is to envisage a future where diverse groups of people who live on the island of Ireland can thrive. All ways to cultivate a respect for diversity while simultaneously fostering common ideals and mutual senses of belonging should be encouraged.

Reconciliation requires work from all sectors of the community—academics, churches, lawyers, policy-makers, NGOs, community-groups, victim groups and all concerned citizens. We should learn what has worked elsewhere and why it helped, and we should learn what has not been successful and why not, but be prepared for contextual adaptation of reconciliation in terms of the mechanisms, strategies, structures and processes given the historical, political peculiarities in Northern Ireland.

APPENDIX 16

Memorandum submitted by the British Irish Rights Watch

OVERVIEW

British Irish Rights Watch is an independent non-governmental organisation that monitors the human rights dimension of the conflict and the peace process in Northern Ireland. Our services are available to anyone whose human rights have been affected by the conflict, regardless of religious, political or community affiliation, and we take no position on the eventual constitutional outcome of the peace process. In light of this remit, we take a close interest in existing and potential mechanisms to address the numerous human rights violations that were committed during the conflict and to ensure their non-repetition.

The Northern Ireland Affairs Committee has specified that it will be examining, in particular:

The experience of efforts in other jurisdictions to move forward from a history of division and conflict, on a basis as widely acceptable as possible to affected communities and individuals who have suffered from violence.

Given our limited remit, British Irish Rights Watch does not have direct experience of other jurisdictions and the various mechanisms that have been established to deal with conflict and human rights abuses around the world. We therefore wish to focus our short submission to the Committee on the situation in Northern Ireland itself and on the need, as expressed by the Committee, to ensure that whatever processes are put in place they are “widely acceptable” to Northern Ireland’s communities. Indeed, it is our view that without broad political and public acceptance and support, any mechanism established to examine Northern Ireland’s troubled past will be doomed to failure.

Much has been written in recent years on the relatively new concept of “transitional justice” and the range of options that can be pursued to establish “truth” or achieve “reconciliation” among divided communities in post-conflict situations. In the academic and NGO literature, experts have argued over whether there can be an agreed upon “truth” in such situations, or whether reconciliation can be generalised or promoted through particular strategies. Without entering into such broad debates, British Irish Rights Watch here would like to emphasise the importance of “truth” in Northern Ireland at a simple and individual level, alongside the need for acceptance of responsibility. In addition, we would caution against an overemphasis on the details of what has been created elsewhere. The broad lesson from the ever-growing number of mechanisms that have sought truth, justice or reconciliation around the world must be that each situation needs to be examined closely in its own individual context, taking into account the needs and views of its own communities and the realities on the ground.

NORTHERN IRELAND

For many years, we have been working closely with individuals and families in Northern Ireland who have been directly affected by the conflict, through loss of or serious injury to a loved one, threats or violence directed at themselves, or by way of injustice at the hands of state institutions. The overwhelming concern of all of these people is to know exactly what happened to them or their family members, and how it came about. In many cases, little is learned from inquests, and police investigations have been inadequate or mired in cover-up and collusion. Each of these cases deserved, and continues to deserve better.

However, these cases also starkly illustrate a major factor inhibiting any effective examination of the past and attempts to move forward towards some kind of reconciliation in Northern Ireland: the continuing lack of will among the parties—including the state, the paramilitary groups and the political parties—to acknowledge their own responsibility for wrong-doing. Unless there is a fundamental shift in this attitude, the attempts of individuals and families to establish the truth in their cases will remain fruitless.

A particularly damaging and distressing form of this culture of denying responsibility is the ongoing effort to cover-up systematic collusion between the security forces and paramilitary groups. Without a full examination of all allegations of collusion, publicly exposing the extent of involvement of the intelligence

agencies in paramilitary activity, sanctioned by successive governments, public confidence in the institutions of the state will remain low. Any truth-seeking mechanism established by the state will similarly lack public confidence, unless the government demonstrates its willingness to get to the root of collusion in Northern Ireland and acknowledge its responsibility.

In addition to knowing the truth, those who we work with in Northern Ireland demand accountability. Holding someone accountable for their actions can be a form of acknowledgement of wrong-doing, so long as there is no attempt to find scape-goats. Similarly, creating accountability goes a long way towards ensuring non-repetition of wrongful action and can prevent others from seeking alternative forms of revenge that lead to a continuing cycle of violence.

Since our creation in 1992, British Irish Rights Watch has worked to ensure greater accountability on the part of all those who committed human rights abuses during the conflict and who hinder the peace process by continuing and perpetuating such abuses. We welcome all initiatives that contribute to achieving greater accountability, but we remain to be convinced that the current situation in Northern Ireland is conducive to a generalised process seeking truth and some agreed upon concept of reconciliation. Until all parties involved are ready to accept responsibility for their actions and recognise that those actions constituted serious human rights violations in many cases, it will be extremely difficult to establish the truth and even more difficult for the individuals and communities affected by the conflict to get over their divisions and move forward together.

3 December 2004

APPENDIX 17

Memorandum submitted by Restorative Action Following on the Troubles

OPPORTUNITY

For many people in Northern Ireland—and more especially for those living on the margins in disadvantaged areas—the experience in recent years of relative peace has its downside. It is as if the pain and distress of decades had become frozen within and now as “normality” impinges, the floodgates are opening to delayed shock and memories hitherto too painful and dangerous to entertain.

Children of the Troubles, adults now with their own families, are burdened with a double lethal legacy in their own persons and in their role as parents. They bear the scars of the conflict and also carry the burden of the generational knock-on effect.

But the recent years of Peace have also enabled people to look out, however tentatively beyond their own immediate experience, and to glimpse unexpected possibilities in the new scenario. However these are possibilities which can be grasped only in the context of survival and freedom.

NOW is a supremely opportune moment for a Sustained, Comprehensive and Integrative approach, following on the community programmes developed through Peace I and Peace II, and the governmental surveys and social initiatives carried out in recent years.

TARGET

While “pain grief and anger” are the monopoly of no one sector of the Northern Ireland community, certain sectors experience greater difficulty, not only in coping with the heritage of hurt, but in envisioning and buying into an alternative future.

Therefore:

- (i) resources should be targeted at these identifiable sectors, and within the sector at the level of the individual;
- (ii) risks may have to be taken, and a certain duplication accepted if these more deprived and sometimes suspicious sectors are to benefit from new initiatives. (A system of “cheaper through combination” will not work at any depth);
- (iii) finances would need to be mainstreamed, in order to maintain continuity and a sustained commitment and obviate the energy-drain/insecurity entailed in on-off precarious piece-meal funding.

SHIFT

A new approach is needed vis-à-vis the relative emphasis on “community” and “the individual”. Many Reconciliation Programmes to date have sought to bring communities together in the initial instance, urging them to move on, to venture across the divide, etc.

The professional and business sectors have less problem with “cross community” than those locked into deprived and marginalised areas. These latter have not only less going for them in the new post-conflict society, but in most cases have also lacked the resources to deal with their personal trauma.

So the greatest need now is for Personal Healing—a slow painful process which requires to be adequately resourced. According as this inner healing is experienced, individuals are more likely to gain the awareness and insights conducive to viewing the “other side” with more understanding. Without this basic shift it would seem too much to expect people to reach out to erstwhile enemies/perpetrators.

Individual post-trauma needs are experienced on many levels and call for a comprehensive integrative approach. Basic to this is one-to-one Counselling—long-term if necessary. And for people who have experienced trauma, their needs at the intellectual, emotional and sensory levels, should also be addressed, always with the focus on integration.

CHALLENGE

Sensitive and creative planning will be required as well as courageous financial commitment. The challenge is also to favour one focus viz Personal Healing (a), while not neglecting the social/communal aspect (b); and to avoid the pitfall of thinking that the latter approach will eventually lead to the achievement of the former outcome. In fact (a) has more chance of leading to (b) than (b) has of leading to (a)

To date the emphasis has been on Community. It is time now to restore the balance.

2 December 2004

APPENDIX 19

Memorandum submitted by Mr Ian McBride

I am very interested in your Reconciliation inquiry, however, both as a historian and as a Northern Irishman.

I have some knowledge of other reconciliation processes, having presented a comparative paper on the subject in South Africa last September, and participated in the first meeting of Salzburg Seminar's Northern Ireland project in October. The range of options is set out in the "Healing through Remembering" report, which I greatly admire. Of these, the notion of some kind of TRC is clearly the most divisive. I do not think it could work for obvious reasons: the structures created by the Belfast Agreement actually entrench the division between hostile Unionist and Nationalist blocs; they offer a way of managing a conflict, not transcending it, and in this they accurately reflect the realities of Northern Ireland.

More generally, I think there are dangers in supposing that other models can be applied to Northern Ireland. The most promising idea in "Healing through Remembering" is actually a new one: the "storytelling" or "testimony" proposal. This is really a massive oral history project, to be connected to a Troubles museum. It has some odd similarities, which I would be happy to outline, with the Irish Folklore Commission of the 1930s. Its merit, I think, is that it bypasses the party-political wrangling that accompanies every commission (on parades, Bloody Sunday, etc) by focusing on the experiences of ordinary people. And surely one of the most striking things about the period after 1969 is the way in which very ordinary people were forced to cope with a set of very extraordinary problems. The end result will not be a consensual version of what happened in the last 30 years, but it may help us to understand that the Troubles consisted of several different conflicts rolled into one, and that each of us therefore played more than one role within it. (To take the hardest case, we may come to understand that some paramilitaries were both terrorists and freedom fighters.)

There is much more to be said, and I would be happy to help in any way. For the record, I have published two books, *The Siege of Derry in Ulster Protestant Mythology* (1997) and *History and Memory in Modern Ireland* (2001) dealing the presentation of the past in commemorations, collective memory and academic historical scholarship.

3 December 2004

APPENDIX 20

Memorandum submitted by the Shared City Project

WE TOO HAVE SUFFERED!

12 Women . . . Separate Lives . . . Different Experiences . . . a Shared City!

Unique perspectives on life before, during and after the troubles.

The troubles, as they are called, were the dirtiest kind of war. The dark secrecy surrounding the "combatants" on both sides rendered the survivors and innocent civilians incapable of reconciling their losses, their confusion or their grief . . .

The natural result of the times is for people to become suspicious, distrustful, cynical—especially of anyone remotely related to “THEM” on the other side. Breaking such a cycle would require great courage and conviction that life could be better.

These women have taken the leap. Their stories, soon to be told on video, on the web and other media will stand as an enduring example of how new, before unthought-of, friendships and a sense of complete community can be had when people are willing to take the risk and make a personal commitment to peace.

Coming together happened to the neighbours. They the tragedy being from different sides, the stories tell of what women, their families and friends, and their share how they each coped in their own way with played out in their city, their province and their countries.

Whether their stories make you cry or just make you think, at the least let them inspire you to commit yourself to sharing a new future in a new city . . .

A unique initiative established by the Shared City Project the “We Too Have Suffered Project” aimed at healing the wounds experienced by women from various religious and social backgrounds living in the Deny City Council and Limavady Borough Council areas during the Troubles.

The project is now in its second year and is funded by the Local Strategy Partnership. Under the leadership of Jeanette Warke, the project works to unite women who have suffered greatly over the past 35 years of the Troubles. The participants are women who have suffered loss directly through the troubles ie the death or injury of a relative, intimidation, destruction of property etc.

Through group work the women have come together to share their stories and acknowledge the shared hurt and suffering of the two communities over the past thirty years of the troubles. The group are currently working on the production of a video, CD-ROM and Calendar. The project demonstrates to the wider community how they have supported, listened and built bridges together in order to continue and contribute to the ongoing peace process. The women have also set up a website, www.wetooohavesuffered.com. A copy of the home page is enclosed for your information.

We feel this project is a positive role model for dealing with the past, whilst recognising the pain and suffering associated with it, and also aiding in the healing and reconciliation process for the benefit of future generations.

APPENDIX 21

Memorandum submitted by Combat Poverty Agency and Area Development Management Ltd

1. THE ORGANISATIONS MAKING THE SUBMISSION

This submission is made by the Combat Poverty Agency and Area Development Management Limited. The Combat Poverty Agency (CPA) is the Irish State Agency which advises the Irish Government on social and economic policies pertaining to poverty in the State. Area Development Management Ltd (ADM) is an intermediary company, established by the Irish Government in agreement with the European Commission, to promote social inclusion, reconciliation and equality to and to counter disadvantage through local and economic development.

Since 1994, CPA and ADM have jointly, through an office based in the Border Counties in Monaghan (ADM/CPA), had responsibility for the implementation of a number of measures of the EU funded Peace I and Peace II Programmes in the Border Counties of Ireland. ADM/CPA have also worked in a Consortium with the Community Foundation for Northern Ireland and Co-operation Ireland to implement some of the cross-border measures.

CPA and ADM welcome the Inquiry into Healing the Wounds: Ways of Dealing with Northern Ireland’s Past and the opportunity to make a submission to it.

2. LEARNING FROM THE PEACE PROGRAMMES

To date, we have learnt a number of lessons from our work on the Peace Programmes. Some of the lessons most relevant to the work of the Inquiry are summarised below:

- At a grassroots level the Peace Programmes have contributed much to building peace and reconciliation in Ireland since 1994. The work has led to a number of tangible benefits including a new mobilisation of thousands of ordinary citizens, a series of experiments in new forms of governance and the animation of a debate about the conduct of the peace process and the needs of the people.
- Peace building is a long term process. Therefore, it is critically important to continue the work of peace building at grass roots level.

-
- As we move into a post-conflict society the nature of that response may change, but we need to build on what has already been achieved.
 - Strengthening cross-border co-operation and relationships across the island of Ireland will have many benefits.
 - The grassroots work is extremely important. However, it needs to be complemented by initiatives at political and societal level, such as supporting political structures, legislation and institutions on rights and equality and civil society.
 - In this context an Inquiry into ways of dealing with Northern Ireland's past is very relevant.

3. UNDERSTANDINGS OF PEACE BUILDING AND RECONCILIATION

From our work we have come to understand that one of the fundamentals of contributing to peace building is to examine what is meant by peace-building and reconciliation. In our work to date it has become apparent that:

- Peace building is a process or a journey which starts with the removal of violence, to increasing contacts with previous adversaries or the “other community”, to confidence building, to addressing differences, to understanding and acceptance of each other, to reconciliation. This journey is not necessarily linear as several things can be going on at different levels at the same time.
- Peace building attempts to address both the causes and effects of conflict.
- Reconciliation is a process whereby past trauma, injury and suffering is acknowledged and healing/restorative action is pursued. Relationship breakdown is addressed and sustainable relationships are created. The culture and structures which gave rise to conflict and estrangement are transformed or reconstructed with a view to creating an equitable, diverse and interdependent community.
- In general, reconciliation appears to operate at a more personal and group level, whereas peace building appears to operate more at an institutional and political level. Moving towards a more peaceful society requires work which is both bottom-up and top-down.
- There is clearly overlap between peace building and reconciliation. However, there are other situations where there is peaceful co-existence. This is where people can live peacefully for a period in peace but without reconciliation. Peaceful co-existence may take on different aspects in different circumstances, but may be seen as a reluctance to address the causes of the conflict. This may not be sustainable in the long-term peace building process.

It is in this context, where reconciliation is clearly integral to peace building and where addressing the past is integral to reconciliation that ways of dealing with the past needs to be considered for Northern Ireland.

4. ADDRESSING THE PAST AS PART OF THE RECONCILIATION PROCESS

It is recognised that a reconciliation process generally involves five interwoven and related strands⁹⁷. These are:

- I. Developing a shared vision of an interdependent and fair society: The development of a vision of a shared future requiring the involvement of the whole society, at all levels. Although individuals may have different opinions or political beliefs, the articulation of a common vision of an interdependent, just, equitable, open and diverse society is a critical part of any reconciliation process.
- II. Acknowledging and dealing with the past: Acknowledging the hurt, losses, truths and suffering of the past. Providing the mechanisms for justice, healing, restitution or reparation, and restoration (including apologies if necessary and steps aimed at redress). To build reconciliation, individuals and institutions need to acknowledge their own role in the conflicts of the past, accepting and learning from it in a constructive way so as to guarantee non-repetition.
- III. Building positive relationships: Relationship building or renewal following violent conflict addressing issues of trust, prejudice, intolerance in this process, resulting in accepting commonalities and differences, and embracing and engaging with those who are different to us.
- IV. Significant cultural and attitudinal change: Changes in how people relate to, and their attitudes towards, one another. The culture of suspicion, fear, mistrust and violence is broken down and opportunities and space opened up in which people can hear and be heard. A culture of respect for human rights and human difference is developed creating a context where each citizen becomes an active participant in society and feels a sense of belonging.

⁹⁷ This material is based on work by Brandon Hamber and Gráinne Kelly in *A Working Definition of Reconciliation: Paper published by Democratic Dialogue*, Belfast, September 2004. This understanding of Reconciliation has now been adopted in the draft material relating to the extension of the Peace II Programme for 2005 and 2006.

- V. Substantial social, economic and political change: The social, economic and political structures which gave rise to the conflict and estrangement are identified, reconstructed or addressed, and transformed.

Thus, acknowledging and dealing with the past is part of the reconciliation process, but it is important that it is seen in this broader context, where attention is also paid to the other elements.

5. DEALING WITH THE PAST

There are various ways of dealing with the past. ADM/CPA welcome the approach taken by the Northern Ireland Affairs Committee to examine approaches in other jurisdictions. Certainly, the evidence would suggest that a number of factors need to be taken into account. These include:

- The decision of whether or not to engage in a process to deal with the past needs to be made by the community involved. In this regard a consultation process would be an important next step.
- There are various approaches to dealing with the past eg story telling, tribunals, inquiries, commissions. Some approaches include amnesties, others have a focus on retributive justice. The Healing Through Remembering Project has done some very useful work in this area, which the Inquiry should take into consideration
- Discussion on, and an understanding of, the causes and effect of conflict would also be a useful contribution to the discussion, by way of working towards a common narrative. For example, the Combat Poverty Agency has recently completed some work on exploring the links between poverty and conflict and the important role social reconstruction can play in working towards a more peaceful and inclusive society. This would be one of a number of elements of this work.
- In acknowledging the past, the role of organisations and institutions needs to be included as well as the role of individuals.
- The broader community has a role in dealing with the past. Those involved in the Peace Programmes can contribute to this work through enhancing community discussion and promoting community interaction, but also through examining the past and future roles of institutions.
- There is no one single approach to deal with the past—this work should be part of a set of wider initiatives. Conversely, dealing with the past should be integral to reconciliation and peace building work.

6. CONCLUSIONS—WELCOME FOR THE INQUIRY

ADM/CPA welcomes the Inquiry and its purpose to seek out and illuminate ways which have been used to resolve similar conflicts elsewhere. ADM/CPA believes this is a useful first step. We suggest that it would then be useful to produce a consultation document based on this work, setting out the various options and their potential outcomes. This should be followed by a period of informed consultation, following which decisions could be taken on the best way to acknowledge and deal with the past. It is clearly an issue which needs to be dealt with in reconciliation and peace building work, in bringing about a peaceful future in Northern Ireland. We would welcome an opportunity to participate further in the process or to make oral representations, based on our work to date, if that was useful.

APPENDIX 22

Memorandum submitted by Jacqueline Monahan, Transitional Justice Institute

First and foremost, rather than continue with the “piece meal” approach used so far in attempting to address the past in Northern Ireland, there should be a more constructive method used by the state, in consultation with the general public, community groups and academics with knowledge and research experience in this field. Although the people of Northern Ireland do not have a common understanding of the causes and effects of conflict, and as such may not have a collective, unified view for best addressing the past, including community groups and NGOs will bolster any labours by the state.

The headline which introduces the NIAC is entitled Reconciliation: Ways of Dealing with Northern Ireland’s past. It seems to me that the Committee, rather than jump on the international bandwagon and use the en vogue term “reconciliation” without any attempt to clarify what the Committee means by “reconciliation” (at least in terms of the work/project it proposes) may benefit from reading the research, some of which has been funded by the government, which has already been conducted in this field (Healing through Remembering Project Report, 2002; Victims Commission report, We Will Remember Them; the Eolas document; the Ardoyne Commemoration Project’s book Ardoyne: the Untold Truth, for example) within Northern Ireland. There is no point in reinventing the wheel. Further talk of “reconciliation” without action towards implementation of the suggestions previously solicited from people may in fact further frustrate and discourage society.

Promoting reconciliation would certainly be a more attainable and measurable goal than attempting to achieve reconciliation, at least as a short-term goal. Perhaps the most obvious mechanism to begin to address the issue of reconciliation is to ascertain the truth about the conflict, including “unsolved” conflict-related killings. However, it is important to recognise that despite the international bandwagon, there is no evidence that reconciliation is a by-product of truth so to name a commission as such (ie “truth and reconciliation commission”) may be misleading and lead to disappointment and further disenfranchisement by many.

The Committee may benefit from reading the research, some of which has been partially funded by the British government, which has already been conducted in this field (Healing through Remembering Project Report, 2002; Victims Commission report, *We Will Remember Them*; the Eolas document; the Ardoyne Commemoration Project’s book *Ardoyne: the Untold Truth*, for example) within Northern Ireland. There is no point in reinventing the wheel. These reports, some of which are of better quality than others and each with different aims, address the varying views of the causes and effects of the conflict and suggest ways for addressing the wounds that remain. Further talk of “reconciliation” without action towards implementation of the suggestions previously solicited from people may in fact further frustrate and discourage society.

Furthermore, if a truth commission is considered as a recommendation by the Committee, I suggest that the Committee looks beyond the South African model, which despite being the most well-known model in Northern Ireland, perhaps is not the best model for Northern Ireland to follow. A commission may still be effective in truth-finding without having an amnesty clause, the likes of which are increasingly recognised as illegal under international law, depending of course on how they are implemented.

The Committee should also be aware that a good number of groups (community, etc) have been disappointed by the manner in which the Committee has gone about soliciting submissions, which is not a particularly positive way in which to begin a new project.

3 December 2004

APPENDIX 23

Memorandum submitted by Mr Brian Lennon, sj, Community Dialogue

The following is the text of a leaflet published by Community Dialogue on ways to deal with the past in Northern Ireland. These comments are expanded in my recently published book: *Peace Comes Dropping Slow: Dialogue and Conflict Management in Northern Ireland* (Community Dialogue, 2004).

INTRODUCTION

“The past” is a polite term to cover over all the pain of nearly 35 years of conflict in which over 3,500 were killed out of our population of 1.5 million. Thousands more were physically injured. Tens of thousands lost loved ones. Nearly 20,000 went through our prisons.

How do we get to a point where we are no longer dominated by the past?

There are only a limited number of options:

1. Legal justice.
2. Reconciliation.
3. Truth.
4. Amnesia.
5. A mixture of the above.
6. Staying stuck in the past.

It’s worth looking at some of the pros and cons of each of these.

1. LEGAL JUSTICE

Legal justice focuses on punishment through courts. But it is difficult to get convictions for Troubles-related crimes. Many murders took place decades ago so evidence is unreliable. When the IRA blew up the Forensic Laboratory in Belfast in 1992 they destroyed a lot of evidence. Under Agreement no one will serve more than two years. The police do not have the resources to investigate Troubles-related murders and current policing needs.

So you may want legal justice but you are unlikely to get it.

2. RECONCILIATION

There are many different and often mutually exclusive meanings of reconciliation. Here are three:

- (a) The Christian ideal: both forgiving and repenting are needed for reconciliation. Some Christians say repentance must come first, others that either can come first. Some say forgiving and apologising have no role in politics.

- (b) Punishing the enemy.
- (c) Developing partnerships for a mutually beneficial future, which says nothing about forgiving or repenting. Was the exchange of ambassadors between the USA and Vietnam 20 years after the end of their war an act of reconciliation, a business decision, a step towards reconciliation, or a bit of all of these?
- (d) If you do a “Google” on the internet you will find many other uses of the term:
 - Reconciliation differs when it is between individuals, groups, or States. For example, if Aaron does something wrong to Joshua, then, if they are to be reconciled Aaron has to say sorry and Joshua has to forgive him.
 - With groups and States it is more complicated: what would reconciliation between the IRA and the DUP involve? An apology and the offer of forgiveness? A power-sharing deal for selfish reasons? Should the UK apologise to the Germans for the fire-storm at Dresden during World War II? Should the British apologise for the Famine, even though the British alive today were not around at the time?
 - Does talk of reconciliation in politics make any sense?

Three points come out of all this: we need to say what we mean if we talk about reconciliation. We should distinguish inter-personal from group and political situations. And if we focus on wrongdoing we need to ask: “Who has done what wrong to whom?” Normally there will be great disagreement about this.

3. TRUTH

Many victims are not interested in punishment, they simply want the truth. In South Africa perpetrators who did not tell the truth were refused amnesty by the Truth and Reconciliation Commission. But one side won that conflict. Here it was a military stalemate. There is not the same need for amnesty. Why then would either Government or paramilitaries tell the truth? Public inquiries are unlikely to lead to much truth: the Ministry of Defense lost the guns used at Bloody Sunday before the Saville Enquiry.

Unionists argue that inquiries put only the security forces in the dock and ignore what paramilitaries did. Republicans point out that many of their number went to prison. Further, the British Government always claimed to be better than the paramilitaries. Now it turns out—as Republicans see it—that this was not the case.

The only type of Truth Commission which might work in our situation is one in which victims and perpetrators involved in the same incident voluntarily share information.

If you support a focus on truth, how much truth will you get? What price will be paid for it in alienating other sections of society?

4. AMNESIA

Many want to forget the past move on, and make some money.

But the past keeps coming back to bite us. Victims take cases to court and this leads to legal pressures on the Government. The Government makes concessions to Republicans in return for decommissioning. “Innocent” victims complain that all the focus is on republican victims whereas their loved ones were murdered defending the State.

Forgetting the past is impossible. The pain is too great. But some recognise that they cannot bring back their loved ones and therefore stop talking about the past.

5. A MIXTURE OF APPROACHES

This view says: “Let’s use what helps in the above approaches”. It focuses on creative ways to remember the past, without being stuck in it. Some suggestions put forward in the Healing Through Remembering Report were:

- Find ways to listen to the personal stories of those who wish to share them.
- An annual “day of reflection”.
- A permanent living memorial museum.

What can we do?

Here are some questions we could usefully discuss:

For Individuals:

- Can we say sorry for any of the things we did in the past?
- If we are not going to agree morally about the past why try to convince others that what they did was wrong? Yet, if we do not do this, are we being silent about terrible crimes?

- Can we recognise the wrongs our group did? (A Republican told a group of Unionists that his group had been sectarian. It transformed the conversation. The same would be true if the roles were reversed).
- Can we enter into the pain of others, even though we believe that what they did was wrong? (It changes things when people believe their pain has been heard).
- Why do we remember the past? To blame others? To deal with our pain? Or simply to get the truth?

For Victims:

- Are we moving towards being survivors? Or are we stuck as victims? If we are a victims' organisation when will our members be able to say they are no longer victims?
- When is it helpful for victims to tell their story, and when does doing this keep them stuck in the past?

For Groups and Political Parties:

- Can we find ways to remember the past which are less offensive to others?
- Can we help families—even privately—find out what happened their loved ones?
- Does the group to which we belong use victims for its own political ends?
- Do we glorify the past and hide the pain from which so many suffered?

For All of Us:

- Many want to say: “The past is over”. But we may not be able to say this for years because there is too much pain. Do we need to accept this?

What is Community Dialogue?

Community Dialogue is made up of community workers from across the divide. As a group we take no positions on party-political issues. We believe that if we want to make peace we need to question ourselves, listen to others, and try genuinely to see new angles on things.

6 January 2005

APPENDIX 24

Memorandum submitted by Mr Adrian Guelke

THE SOUTH AFRICAN EXAMPLE

There is a lot of interest in Northern Ireland in whether the South African transition to democracy has lessons for the province, especially in the realm of reconciliation. However, some misconceptions about what happened in South Africa exist that limit the relevance of South Africa's experience to Northern Ireland. Thus, it is often mistakenly imagined that the establishment of the Truth and Reconciliation Commission (TRC) was a direct result of South Africa's negotiated settlement. This was not the case. What the parties agreed to in the negotiations prior to the 1994 elections was that “amnesty shall be granted in respect of acts, omissions and offences associated with political objectives and committed in the course of the conflicts of the past”. They did not agree on the mechanism that should be employed to achieve this end. The epilogue to the interim constitution of 1993 mandated the parliament elected in April 1994 to determine how the clause on amnesty should be implemented. The leaders of the ANC favoured the mechanism of the TRC for two reasons. Firstly, they believed that the ANC would largely escape criticism because its limited “armed struggle” had been conducted outwardly at least in accordance with international norms. Secondly, they believed that the process would be damaging to the National Party, which had emerged from the 1994 elections as the ANC's main rival. Both the National Party and the Inkatha Freedom Party (IFP) expressed serious reservations about the creation of the TRC during the passage of legislation to set it up and were even more hostile to it in practice.

The calculation by ANC leaders that the process would damage politically anyone associated with government during the apartheid era proved correct. The TRC hearings and report did much to discredit the former rulers of South Africa. They contributed to a collapse in support for the National Party's successor, the New National Party, and paved the way for it to be replaced by the Democratic Party as the principal opposition party in the general election of 1999. However, the other calculation of the ANC that the TRC would gloss over violations of human rights by the “liberation movements” was confounded. Mandela recognised that the credibility of the TRC depended on its applying the same set of criteria to all

parties and accepted the criticism with good grace, but that was not true of the party as a whole. A factor that angered members of the ANC even further was that F W de Klerk had forced the TRC Commissioners to remove many of their criticisms of his tenure of office from their report. De Klerk achieved this objective by the sheer volume of the material he submitted to the TRC in rebuttal of criticisms that would have otherwise appeared in the report. As a result of a legal ruling the TRC had been obliged to inform those it intended to criticise of the terms of any criticism ahead of the report's publication. A full evaluation of De Klerk's objections would have necessitated delaying the report's scheduled publication, a course of action the Commissioners decided against.

However, notwithstanding the political calculations involved in the creation of the TRC, it can be argued that it was a necessary process. A remarkable feature of South Africa's transition was constitutional and legal continuity between the old order and the new. The interim constitution under which South Africa held its first fully democratic elections was enacted by the institutions that had been created under the apartheid regime. A consequence of constitutional and legal continuity was that the both the actions of those fighting apartheid and the excesses of the security forces in combating the forces of revolution remained violations of the law that could be the subject of prosecution in the absence of amnesty. Further, if an amnesty was not to encompass criminally motivated actions on either side, there had to be a mechanism to establish that the beneficiaries of amnesty had acted in accord with the political objectives of a recognised organisation. To this requirement was added a requirement of proportionality and full disclosure of their actions on the part of those applying for amnesty. It is worth underlining that applicants were not required to demonstrate that they regretted their actions or to express any kind of remorse.

In any event, in the climate of opinion in which public hearings into gross violations of human rights took place, few would have expected members of the ANC to say that they regretted what they had done, since the country's transition to democracy seemingly justified anything they might have done. By the same token, there was an expectation that their victims should accept their bona fides. A number of cathartic moments of reconciliation did occur during the TRC's hearings. They usually involved victims forgiving perpetrators whose actions were accepted as having been directed at freeing the country from apartheid. However, while it may be claimed that in these individual cases, the TRC facilitated a healing process, these responses were by no means typical of reaction to the hearings. Opinion surveys after the publication of the TRC report highlighted that respondents of all races believed that the TRC's revelations about past atrocities had deepened the country's racial divisions.

Generally uncritical reporting of the TRC by foreign correspondents took little account of these polls. They also tended to ignore other limitations of the process. Thus, the failure of the TRC to address external connections of the apartheid regime so as not to embarrass countries with which post-apartheid South Africa wished to have good relations hardly registered. Even more significantly, scant regard was taken of the fact that the TRC secured little co-operation in its investigations outside the ranks of those who had convicted of offences or against whom there was such substantial evidence that they had good reason to fear prosecution. Admittedly, investigating specific crimes and granting amnesty was not the only function of the TRC. It was also given the task of inquiring into the "causes, nature and extent" of the conflict. In short, part of the TRC's remit was to produce an official history of apartheid after 1960. However, given the notoriety of apartheid, producing an account that in broad outline, if not in some of the detail, was generally accepted did not present too many difficulties.

The context in which the Chief Constable of the PSNI, Hugh Orde, mooted the setting up of a truth and reconciliation mechanism in relation to Northern Ireland's troubles was the large number of unsolved murders that remained on the police's books from that era. Orde stated that there was little hope that many of 1,800 cases involving loss of life would ever be closed. The Chairman of the Police Board, Desmond Rea, backed by his deputy, Denis Bradley, supported Orde's idea and elaborated on it. In an interview with BBC Radio Ulster on 18 February 2004, Rea suggested that it should involve an amnesty for the perpetrators of troubles-related crimes, including the unsolved murders referred to by the Chief Constable. Rea argued that a truth commission could prove more useful than a series of judicial inquiries.

There are people on both sides who have lost lives. There are people who have been injured, and there is a deep sense of hurt. Therefore a commission is the proper way to take account of that hurt, but also to seek to find a way forward that is a more productive way forward than the road that we appear to be embarking.

Rea was alluding to the very high cost of the Bloody Sunday inquiry and to the fact that the pressure was building up for further judicial inquiries into state collusion with Loyalist paramilitaries, the Claudy bombing, Bloody Friday and the La Mon bombing of 1977.

Reaction to Rea's comments was largely negative. Unionist hostility centred on the issue of amnesty, as did those of some of the victim groups. Ian Paisley Jnr proclaimed: "Professor Rea has now lost the confidence of ordinary unionists through his outrageous comments. What the chairman of the Policing Board is saying is that he has no confidence in the police to capture the perpetrators of 30 years of violence". Arlene Foster, who had defected from the Ulster Unionist Party (UUP) to the Democratic Unionist Party (DUP) after the November 2003 Assembly elections, declared: "The last thing Northern Ireland needs is a truth commission and an amnesty for terrorists. We could never be confident that a truth commission would get at the whole truth". The fact that the British had not as yet published the findings of Judge Cory on the Finucane, Hamill, Nelson and Finucane cases was the primary influence on nationalist reaction. Gerry Kelly

of Sinn Féin suggested that the proposal was a stalling device to prevent the truth from emerging. The Social Democratic and Labour Party (SDLP) accepted that a mechanism was needed to help society move away from the past. However, the party emphasised that the proposal should not be used to defer any recommendations made by Cory. The Alliance Party also was willing to give the proposal for a truth commission further consideration, but its deputy leader made plain the party's opposition to any amnesty for criminal offences.

Despite the largely negative reaction, Hugh Orde repeated his claim that some sort of truth and reconciliation forum was needed to deal with unsolved murders of the troubles, which he argued the PSNI simply did not have the funds to reinvestigate, in an interview with *The Guardian* on 23 February. His comments were strongly attacked by the DUP and Sinn Féin. This did not dissuade the British government from continuing to promote the possibility of a truth and reconciliation commission for Northern Ireland. At a press conference in Downing Street on 1 April, the Prime Minister, Tony Blair, explained why the government was still considering the question.

I do not know whether necessarily a truth and reconciliation commission is the right way to do it, but I think there needs to be some way of trying to both allow people to express their grief, their pain and their anger in respect of what has happened in Northern Ireland without the past continually dominating the present and the future, and that is what we will try to do.

However, it was not the case that the government simply disregarded all criticisms of the concept of a Northern Ireland TRC. One of the commonest objections was that the establishment of such a body was premature. The point was made forcefully by Dennis Kennedy in an article in *The Irish Times*. He argued that two key elements present in South Africa were missing in the Irish case. One of these was that in South Africa, "the argument was over, the dispute was settled". Kennedy went on:

The National Party conceded that apartheid had to end, and that majority rule was inevitable. The ANC took power on foot of their democratic majority, and white minority rule was over. In Northern Ireland the argument is not over; everyone may give lip service to the consent principle, but Sinn Féin and the SDLP both continue to insist that Irish unity is their prime political goal. Nationalism continues to assert that partition was unjust and remains unjustifiable. Violence continues, though at a mercifully reduced level. Illegal armies have not gone away.

In his comments on the possibility of establishing a truth and reconciliation commission, the Secretary of State for Northern Ireland, Paul Murphy has acknowledged this point. An example was in an article for *The Irish Times* to mark his fact-finding mission to South Africa. After discussing the publication of a new edition of *Lost Lives*, a catalogue of those killed during the troubles, Paul Murphy reiterated three prerequisites for dealing with the past. The first of these dealt directly with Kennedy's point: "First, the conflict must truly be over. There must be no more additions to *Lost Lives*, no more young people mutilated in 'punishment' attacks by loyalist and republican paramilitaries".

Murphy's third prerequisite was the need for a shared vision of the future. This addressed another of the objections raised by Dennis Kennedy, that missing in the Irish case was "acceptance of a common moral view of the situation". In South Africa, there was a consensus that apartheid had been wrong and that the quest for majority rule was justified in terms of democratic principles. As Kennedy put it:

This retrospective viewpoint on ANC use of violence made it easier, though by no means easy, for Afrikaners to close the chapter. The fact that the crisis had been resolved in a clear-cut victory for one side, and the immediate end of minority rule and of apartheid, made it easier for the black majority to move on without systematic pursuit of those guilty of crimes in the name of the apartheid regime. Nothing like that applies in Northern Ireland. As John Hume repeatedly said, there was no moral cause to justify any violence.

Murphy's second prerequisite was whatever methods were finally adopted to deal with the past "must come from the whole community and enjoy a consensus of support".

When the Chief Constable once again raised the issue of an amnesty for troubles-related crimes, mentioning both South African and Peruvian experience, the *Newsletter* responded with an angry editorial entitled "No banana republic ways here, Mr Orde". Nationalists were scarcely less sceptical. *The Irish News* reported on its front page the reaction of Brian Feeney, one of the co-authors of *Lost Lives*, to the announcement of Murphy's fact-finding trip to South Africa. He expressed his concern that the idea of a truth and reconciliation was being used to block inquiries into controversial killings.

Does Paul Murphy expect people to believe the British government will be an honest broker in a truth process when they were one of the key combatants in the conflict?

Does anyone believe either the paramilitaries or security forces are going to turn up at a truth hearing and admit to everything that went on? Each party will try and score points from what the other side says.

Families will support this process in the hope that they can get something positive from it. But the reality is that if this truth process is established it will just be used as another part of the conflict.

In April 2004 the government accepted Judge Cory's recommendation that there should be inquiries in three of the four cases he investigated. However, the government deferred a decision on an inquiry in respect of the Finucane case. Suspicion that the government is still intent on covering up security-force collusion in this case is one reason why the notion of a truth and reconciliation has not engendered much nationalist support.

Why then has the British government persisted with the idea? The most obvious reason—and one alluded to by Feeney in his comments—is that the government envisages setting up a Northern Irish version of the South African TRC in a larger context that it hopes will override most of the objections being put forward to the idea. This would be in the context of a final, overarching deal to end the conflict. Since the suspension of the institutions in October 2002, Tony Blair has expressed the opinion that the problems of implementing the Good Friday Agreement can no longer be fixed by incremental steps or interim arrangements. The logic of his position was that piecemeal attempts to revive the Agreement would no longer suffice. That explained the emphasis Blair placed on the need for acts of completion. Within such a holistic approach, a mechanism for dealing with the past would naturally have its place. It would have another advantage. As part of an overarching agreement, a Northern Ireland TRC could deal with a number of loose ends. Further, the inducement of a final deal might persuade the parties in Northern Ireland to drop their objections to the concept. Consequently, in this context it might be possible for the Secretary of State credibly to advance the argument that his three prerequisites had been met, especially if a final deal was greeted as a breakthrough on a par with the achievement of the Good Friday Agreement itself.

Why the British government has placed such a strong emphasis on South African experience in promoting a mechanism for dealing Northern Ireland's past is not difficult to explain. The role that South African practices have already played in the peace process ensures that any model derived from the country's miraculous transition to democracy is imbued with a large measure of legitimacy in Northern Ireland, at least among supporters of a political settlement. Further, the high standing in Northern Ireland of Archbishop Desmond Tutu, who chaired the South African TRC, gives further weight to South Africa's example in this area. Admittedly, a weakness of the South African analogy is that it by no means assuages Unionist fears that a Northern Ireland TRC will be biased against them. This was no doubt why the Chief Constable invoked the experience of Peru in addition to South Africa in seeking once again to promote the notion that there needed to be a mechanism to achieve closure over deaths during the troubles. However, as the *Newsletter's* dismissive and contemptuous reference to a banana republic underlines, citing other cases does not necessarily increase the appeal of the concept.

Hitherto, the government's enthusiasm for a Northern Irish version of the TRC has been explained in largely positive terms. It is also possible to interpret the government's interest in the idea in more defensive terms. While some victims groups and political parties in Northern Ireland have been hostile to the idea of a truth and reconciliation commission for a variety of reasons, the pressure for some such mechanism has been growing. Particularly since the South African transition, some such formal process has come to be seen internationally as virtually a necessary part of the resolution of any conflict. There is also considerable pressure on the government from local non-governmental organisations to address this gap in Northern Ireland peace process. Initiatives, such as the "healing through remembering" project, have arguably added to that pressure. Indeed, in large part because of the number of unofficial efforts in this area, Brandon Hamber concludes in a study comparing truth recovery in South Africa and Northern Ireland, that the nature and extent of the conflict seem likely to be well documented in Northern Ireland over the next decade. However, he accepts that achieving consensus on the causes of the conflict is likely to prove more problematic than in the South African case.

Of course, it might also be argued that the very extent of unofficial investigations into Northern Ireland's past makes the setting up of a formal truth and reconciliation process redundant. Certainly, the very functions that the Secretary of State has identified as ones that might be performed by a Northern Ireland TRC, such as providing an opportunity for victims to tell their stories, have in fact been fulfilled in large part already without the government's imprimatur. Further, the release of paramilitary prisoners under the terms of the Good Friday Agreement limits the need for the creation of special arrangements for the granting of amnesty. There is admittedly scope to ensure that anyone who came forward to admit participation in paramilitary crimes did not run the risk of serving a two-year prison sentence before qualifying for release. Agents of the state might also be protected from the penal consequences of any admissions they made about their past behaviour. However, the likelihood of confessions by paramilitants or by agents of the state seems slight, as does their successful prosecution for crimes committed during the troubles. Consequently, the pressing need for such provision is at best arguable, though it might reduce the pressure being put on the police to reinvestigate past crimes, as well as criticism of their failure to bring the perpetrators of such crimes to justice.

It may fairly be argued that victims groups currently outraged by the Chief Constable's advocacy of amnesty could change their tune once they appreciate how slim is the prospect of prosecutions for unsolved crimes of the troubles. That may make them far more amenable to a process that does not end with the imprisonment of the perpetrators, even for a relatively short period. However, there is no guarantee that this will be the case, since the outrage of at least some of these groups stems from more than simply that the

perpetrators of crimes have not been punished. It also derives from anger at the according of any measure of legitimacy to the paramilitaries. Comparison with South Africa in this context begs the question of who, if anyone, was fighting for a legitimate cause in Northern Ireland.

In the early years of the peace process, of all the parties to the conflict in Northern Ireland, Sinn Féin had the greatest stake in the comparison with South Africa. In particular, the comparison with the ANC flattered a party with relatively limited popular support. As support for the party has grown to the point where it is the largest nationalist party in Northern Ireland and has a strong presence in Southern politics, this reason for advancing the analogy with South Africa has lost some of its force. There now seems to be a greater emphasis on using the connection between Loyalists and apartheid and between the British state and Loyalists, hence connecting all three, to delegitimise their opponents. The issue of collusion also provides the party with a useful means to counter pressure on the Republican movement to move away from paramilitarism in all its forms by putting the British government on the defensive over past actions of the security forces. The government has now turned itself to South Africa's experience to provide a way of legitimising its response over dealing with the past more generally. What this brief paper has highlighted is the considerable difficulty of applying the South African model in this area to Northern Ireland. To be fair, the government is far from being unaware of the difficulties. None of the above should be taken to imply that achieving a larger measure of reconciliation is not important in the case of Northern Ireland or to underestimate the importance of reconciliation in the South African case. However, trying to use South Africa's success in this field is difficult because in fact the major agency of reconciliation in South Africa was not an institution, but a person, Nelson Mandela, and no equivalent figure exists in Northern Ireland.

APPENDIX 25

Memorandum submitted by Sir George Quigley

UNDERSTANDING THE PAST AND AVOIDING ITS GRAVITATIONAL PULL

1. Dr ATQ Stewart has aptly described in *The Shape of Irish History* (2001) the extent to which we are conditioned by history:

“... It has made us what we are, and is in our bloodstream, in the language we speak, the culture we proclaim, the homes, streets and cities we live in. The call of the past to us is insistent; we cannot ignore it. It presses irredentist claims upon us, impatient for us to pass under its sway”.

In *The Narrow Ground* (1977) Dr Stewart has written about how ‘beneath the maze of streets the subterranean fire eternally smouldered, because the course of Irish history never created the circumstances in which it could die out’. The challenge for today is to create those circumstances.

2. I am impressed by the extent to which the role of historians in helping put together divided societies is being increasingly emphasized. The Committee will no doubt be aware of an interesting series of articles in various issues of *History Today* from November 2003 onwards on this topic in a variety of contexts, including Northern Ireland.

3. It is not difficult to see why this should be so, since it is not only history, but competing versions of history, which press their claims upon us. It has been well said that prejudice, hatred and fear in divided societies are heavily based on attitudes to history, which is often no more than semi-mythological interpretations of the past.

4. In my Report (2002) reviewing the Parades Commission and the legislation under which it was set up (chapter 7), I suggested that “both traditions need to try harder to see all the historical actors as players caught up in the complicated choreography of tragic conflict, which converted difference into the disastrous division which still persists. A history which knows only black and white must sharpen present antagonisms, making it seem as if (in TK Hoppen's words) time itself has lost the power to separate the centuries. It is our own choice as a society whether we escape from the enslavement of history. The most effective form of revolt may be a joint attempt by both traditions to take ownership of our entire history”. In chapter 25 of the Report I envisaged a pilot history programme, attractively packaged and widely available, to encourage the exploration of what this might entail.

5. I attach (Annex A)⁹⁸ the *History Today* article (by Professor Richard English) to which I allude in para 2 above. In it he describes four main areas of contribution open to historians in our coming to terms with our traumatic past. Particularly important are:

- Challenging simplistic or self-servingly amnesiac accounts of the past which support a self-legitimising process on all sides.
- Dispelling some of the more unhelpfully outrageous readings of the past.

⁹⁸ Not printed.

- Eroding the notion that one's own sectional and contemporary view of the past is the only truly valid one.
- Demonstrating the contingency rather than the inevitability of Ulster history so that current and future political responses can be made with an awareness of the importance and the range of the choices in which we can all participate.

THE CONCEPT OF REMEMBERING

6. Remembering the past poses particular difficulty in a deeply divided society. The suggestion by former Belfast Lord Mayor Alex Maskey of a public debate about the use of commemorations has made little headway. Even events to commemorate victims of the Troubles can (as current examples show) fail to command universal support.

7. I attach (annex B)⁹⁹ a perceptive article published a few weeks ago in *The Guardian* which discusses an interesting concept of remembering. Its basic thesis is that remembering should have more to do with action than with recollection, just as Christians are urged to “do . . . In remembrance”. “The test”, the article suggests, is “not how effectively we can look back and recall but how seriously we can ‘remember’ and ensure that tomorrow is a different day”.

8. Applying this concept to our own situation would mean (in words used in chapter 9 of my Parades Report) having (and of course delivering) a vision of an “inclusive, open, tolerant, compassionate society whose members have the self-confidence to embrace diversity and thrive on difference”.

9. I attach (Annex C) an extract from remarks I made at a recent Conference which sought to elaborate this a little further. *Inter alia*, it makes the point that all who accept the responsibilities of good citizenship have a part to play in shaping the values which prevent our ever repeating our tragic past. That clearly includes the victims of the Troubles but it also includes those who have served sentence for their activities during the Troubles and now wish to be integrated into the normal life of our society and make their contribution to building a better future.

TRUTH AND JUSTICE

10. Discussions of Reconciliation are often confined to how one enables the victims of the troubled years to achieve closure. The Chilean experience described in the May 2004 issue of *History Today* (pp 27–29) illustrates the difficulties. The South African experience has proved seductive in some quarters but, before contemplating its adoption, it would be prudent to remember that arrangements arising out of the circumstances of one conflict are not necessarily apt for another, nor can they necessarily be made apt by tweaking or selective borrowing. A senior member of the ANC expressed to me very clearly the view that the Commission in South Africa worked because it was part of the original peace settlement. It is at least arguable that, coming so late in the day in Northern Ireland, the creation of such machinery could well be simply another cause of controversy and division unless it was supported strongly by all the main political parties and by the key organisations who played a part in the Troubles, whether as members of paramilitary organisations or of the security forces.

11. Even on this basis, the initiative could raise unrealistic expectations, resulting in bitterness and recrimination if these were not fulfilled. Given the lapse of time, it seems unlikely that the “truth” could be established in more than a minority of cases unless there was overwhelming co-operation from those involved. It seems likely that a significant proportion in these cases would wish “justice” to be done as well as truth to be told and that many of them would feel betrayed by the whole process if this did not (as it presumably would not, by reason of the Good Friday Agreement) result in prison sentences being served. The process might result in closure for some but Commission hearings rehearsing repeatedly over a probably prolonged period the traumatic and harrowing events of the Troubles could well prove highly destabilising in the present very fraught transition phase.

12. It can be argued that this is a necessary price which has to be paid for an ultimately stable future. But the experience of other countries that have taken a different view should be examined in some detail. I think particularly of Spain, where, post-Franco, the parties agreed what was virtually a pact of forgetfulness in regard to the preceding 40 years of civil war and dictatorship, whilst Spain got on (successfully) with building a very different future. It is only now, when the wounds are less raw, that Spain (with historians playing a major role) is addressing that past—but on the basis (the Basque issue aside) of a largely united nation. The Central and Eastern European countries that were until recently part of the Soviet bloc would also bear examination. The transition here has been remarkably smooth, with these countries steadily focusing forward to a new future in the European Union.

13. In Erna Paris' *Long Shadows: Truth, Lies and History* (2000) there is a fascinating account of how what had actually happened in France 1940–44 underwent an opportune transformation in order to create the myth which formed the conceptual underpinnings of the post-war republic. As she puts it: “After an initial flourish of rough justice, during which the most visible pro-Nazi collaborators were summarily

⁹⁹ Not printed.

despatched, the rest of the population [many of them considered necessary to the success of post-war society] was more than pleased to accept the designation of resistant in the hope that thousands of other equivocal acts would never see the light of day”.

It was half a century later, when the nation had become stable and prosperous, that people who had fought, as Erna Paris puts it, “to chronicle their personal and collective experience in the face of an official history that [had] been falsified” had their day in court.

14. It would also be useful to find out (if it has not already been done) what the reactions of victims have been to initiatives already taken which have publicly recorded their stories eg *Lost lives* (1999) by David McKittrick *et al* and the BBC programme a few years ago which enabled victims over a period of weeks to broadcast their individual (and very moving) stories. In the latter case, for example, how far was the mere telling of the story conducive to closure or what more did they feel was needed?

15. It would also be important to assess the significance of a contribution by the sociologist Dr Chris Gilligan to a recent research seminar at the University of Strathclyde. He is reported to have said:

“Trauma counselling encourages people to interpret their unease in terms of their own individual difficulty in dealing with experiences they suffered during the Troubles. Often, however, the source of their unhappiness or distress lies in the politics of the peace process”.

To the extent that this observation has validity, (and it would be useful to have the full text), it would suggest that it could be as important to reconcile victims to the present as to enable them to explore the past.

FRAMING THE QUESTION

16. It seems to me important that the Committee’s inquiry should frame the reconciliation issue in terms of the society as a whole and not just of the individuals impacted most directly by the Troubles. That entails (as I argued in chapter 9 of the *Parades Report*) moving rapidly from acceptance of separation towards the objective of sharing and of inclusivity—a point I developed further in my remarks at Annex C¹⁰⁰. Otherwise ours will be a society which continues to be characterised by overt or latent hostility. That also lends force to the point made earlier that reconciliation may best be achieved by ensuring that all, whatever their experience or their view of the past, are encouraged to share in the creation of a different future, to which much of the past is best regarded as a poor prologue.

CONCLUSION

17. In line with the intentions of the Committee itself, I have eschewed in these hasty notes any attempt at prescription. The issues are too complex, and the evidence from elsewhere too ambiguous and its relevance to our own situation too problematical, for that. But I do lean to the view that, since the past will not go away, the better we understand it, the less its ability to get its second wind and overtake our future efforts. And I tend to believe that striving might and main for a better future can exorcise many of the ghosts of a past which, whatever we may do, can never be undone.

13 December 2004

APPENDIX 26

Memorandum submitted by Mr Clem McCartney

A COMMISSION OF RECORD

The last week has particularly focused our minds on the past—specifically on events and incidents during the last 30 years. It is not surprising that questions are regularly arising about what happened in the last 30 years of Northern Ireland. It is a natural human need, perhaps even an inevitable need, that in trying to move forward we have to deal with the past. The past has an impact on our present as we try to create our future.

This is not easy and statements made about the past in the last few days have provoked strong but very contradictory responses and emotions. Martin McGuinness made a statement to the Saville enquiry acknowledging that in 1972 he was second in command of the Irish Republican Army in Derry. The European Court of Human Rights pronounced that the British Government had acted wrongly in the way it had dealt with the deaths of a number of republicans who had been killed by the security forces, including those killed in the attack on Loughgall police station in May 1987, and therefore had violated their rights and should pay compensation to their families. Only a little while earlier new revelations about Irish Government involvement in providing arms to the north in 1969 opened up that issue again.

¹⁰⁰Not printed.

There have been both public and private responses. Those who have republican sympathies feel vindicated by the ruling of the Court of Human Rights and applaud McGuinness's willingness to speak out. Those who suffered at the hands of republicans and those hostile to republicans are angry and more detached observers are baffled that the state will have to pay compensation for those who were going out to attack the state. These conflicting reactions and emotions are not being processed by society in any systematic way. It has been suggested that Unionists are unwilling to use the courts in the way that Nationalists have, or to call for committees of inquiry. Individuals can write to the newspapers or ring up Talkback and try to give most prominence to their interpretation of the incidents. Unionist Assembly members have brought a motion for a debate in the Assembly on Martin McGuinness's statement. Each community tries to impose its feelings and interpretations on events. Even if it is clear what interpretation each community wants to put on the past it is not clear what would satisfy each community and what they want and need in order to be at ease with a past which is far from pleasant or easy.

But in the midst of the discussion and argument, more significantly the events of the last week and reactions to them have both shifted the debate about how we deal with the past and demonstrated what might be helpful. When we began to talk about the past, we focused on atrocities which have been committed and assumed that the appropriate starting point is the needs of the survivors of those atrocities. It was acknowledged that the survivors need to be helped to go through a grieving process and various ways to help that process have been discussed. Considerable attention has been paid to the idea of a Truth and Reconciliation Commission on the example of South Africa. While such a step might be what the victims deserve as a moral right, there is no consensus that it would meet their needs or be effective in terms of the healing of the wider community. One view is that it would be impossible to reach any agreed understanding. In other countries where a Truth Commission has been established the main allegation has been the oppression of the people state while in the Northern Ireland situation, parties have had conflicting allegiances and the majority of the population have accepted the role of the state. It might also not fit with the local culture where we are expected to "thole" our loss and public displays of grief are not encouraged. From this angle the emphasis on providing victims with a special space might make it even harder to cope with the loss.

We need to bear in mind that the survivors of atrocities and society as a whole are seldom satisfied when justice is done or when compensation is paid. In a recent review of experience of dealing with the past, Roberta Bacic who worked with the Chilean Truth and Reconciliation Corporation in Chile and writes about confronting the past, has pointed out that the big question which people need to have answered is "Why?" How can we understand why things happened the way they did? How can we understand why people did the things they did? How can we explain why something terrible happened to me or someone close to me? When we understand then we can start to think what is the appropriate way to move forward and what help is needed in that process.

Those who have suffered want to know why it happened to them and their loved ones. Were they deliberately picked out for torture or death? What justification was there for what happened to them? They need to be reassured that they were not in some way to blame for what happened. Why did the perpetrator act in this way and is there any explanation for it?

For those who have taken an active role in the conflict or inflicted harm on others the question is still "Why" but it takes a different form. Some find it difficult to understand why they did some of the actions they did. They may worry that in some situations they went beyond their own boundaries of acceptable behaviour and they need to know why that was. Others are confident that they can justify their actions but they want the rest of the community and the wider world to know why they acted as they did. This question faces both members of paramilitary groups, the security forces and the politically active, though they may try to push the question aside.

Society as a whole also needs to reach some understanding of how their community became embroiled in hostility and conflict in order to begin the process of rebuilding a society where all sections can feel at home. Was it a war? How could ordinary decent people tolerate and even encourage actions which were outside the normal limits of socially acceptable behaviour. Society as a whole does not at present have an agreed understanding of what people did, never mind the deeper question of the motivation for what was done, and how it was justified. If such an understanding could be established we might then be able to reach some consensus on what, in the circumstances of the time, was justifiable behaviour.

What we have seen happening over the last few years are sections of society trying to deal with the "why" question in various ways but which other sections of the community do not understand or accept. When we erect memorials to those killed in the conflict we are making statements and contributions to the debate about the past, whether it is Castlereagh Borough Council erecting a memorial window to those killed at Le Mon or a memorial to the Ulster Special Constabulary or the IRSP erecting a monument in Derry City Cemetery to INLA members. They believe that these people should be honoured and they not only do so but try to make a statement to the wider public. Those who go to the European Court of Human Rights are hoping for a ruling which will justify their view of history and if the court finds in their favour they will assert that their view has been vindicated. The other side of the community watch what happens and are hurt and angry if the court appears to challenge their view of history and to them the petitioners to the court appear to be using special pleading. So the present argumentative approach to establishing history is not really helping to find a shared view, whether or not such an

understanding is possible.. Each section of the community is hoping that its view will dominate and those who do not agree will concede. They may concede publicly but the hurt and confusion will not go away and it may fester for many years to come. So it is worth trying to find a shared approach to confronting the past which all sections of the community can identify with.

When Martin McGuinness made his statement last week he neither apologised or justified. He described. At a future point he will be questioned by the Saville Enquiry and it may be possible to know more about why he took the action he took and even why he was in the IRA. Some people reacted very negatively to the information that he was a senior member of the IRA but no one who says he should have stayed silent. It is better that the information is now in the public domain.

It has demonstrated that explanation on its own is the first step in jointly confronting the past. But how can this be done. McGuinness's statement is only one piece of the total picture. There is much more that needs to be explained and the best way forward might be to shift away from the idea that the starting point is the suffering of victims. Morally right though that may be, it may be more effective and more widely acceptable to initiate a process for determining an authoritative view of what has happened, focusing on the actions or inactions, and the underlying motivations. All sections of the community should contribute: political parties in Britain and Ireland, paramilitary organisations, the security forces, the media, churches, trade unions and other organs of civil society. It would be important to include the whole spectrum of society. In relation to each group one would want to explore as far as possible the following themes:

- an account of what each group involved in the conflict has done;
- why it acted in the way it did, both at a strategic and specific level;
- what was its motivation and the motivation of its members;
- what was the impact on sections of the community and society as a whole;
- what if any of its strategies and actions it would now consider as beyond the bounds of acceptable behaviour.

The primary focus is therefore not on individual incidents but of course individual incidents would demand attention and provide an important illumination of the overall approach of that group. This investigation would very naturally lead to many of the concerns of the survivors of specific incidents particularly when consideration is given to the impact of actions and policies.

The concept might be described as a Commission of record, which would interview representatives of all the relevant groups and analyse their perceptions with them. It would produce a substantial report of the process and findings and of course the detailed records of its deliberations would remain available for research and study. But there are of course many questions about how such a process could be implemented. What kind of body would be able to undertake this process? It is easy to assume the Commission would need to be a statutory body to have the necessary authority and in particular the power to *sub poene* witnesses. However if the process is devised in co-operation with all the relevant parties and they are willing to trust the process and make a commitment to full disclosure it might ensure a more co-operative approach. Who would be acceptable members of such a Commission? Would hearings be in public? The issue of immunity will also need to be discussed. It may be difficult to obtain good disclosure if there is no immunity for groups and their members. Would it be possible to achieve an agreed record? The Tower Museum is one example where the politicians on Derry City Council were able to agree a portrayal of the history of the city including its recent past, though there were of course some areas of concern. That process made a major contribution to relationships in the city. An agreed statement of the perspective of each party and its analysis of the course of events would be possible. It is easier to imagine such agreement when we accept that most people across the community have acted in ways which seemed right and honourable to them, although there have of course been wicked acts which are hard for anyone to explain. It can be conceded that it would be difficult to reach agreed conclusions which provide a consensus of what was justifiable and what was not justifiable. This is why it is not proposed that this stage of the process of reconciliation should attempt to determine justice or assume that it could achieve reconciliation directly. Those would be later next steps—the search for a social consensus within society, which we have seen is already being contested in an *ad hoc* and competitive way.

It is not proposed to provide a blueprint for how the tribunal could be established because it would function best if it was established through negotiation with all the relevant actors and had their support. One way to take the process forward would be to establish a group to carry out a feasibility study, consult widely and develop a proposal which could then be implemented. This group should be small but have access to the political parties and other relevant groups. It would not need statutory authority but could be established as an independent body in order to develop the process. The events of the last few days indicate that the time is ripe for such a step.

APPENDIX 27

Memorandum submitted by Rev Dr David Clements

I understand that your committee will be looking at issues relating to healing the past here in Northern Ireland and I very much welcome that.

Briefly, my background is that my father was murdered by the IRA in 1985. As a Methodist minister I have served in Enniskillen, Warrenpoint, Belfast (Shankill Rd and Belvoir.) Because of my experience, personal and pastoral, I have taken an active interest in “victims issues”. For about 10 years I have served on the management committee of WAVE, the main organisation that provides support for all kinds of victims of the Troubles across the Province.

I understand that the President of the Methodist Church in Ireland gave you the draft of some work that I and a few others have been doing here on the issue.

I would like to raise two matters with you now.

Firstly, I am concerned that discussions about healing the past should not take place without victims (those who have been hurt the most over the years) being at the centre. Paul Murphy publicly raised the issue last May—before he went to South Africa—but to the best of my knowledge, and I have asked the question in a number of places, virtually no one who is a victim or who works in the field has as yet been consulted.

Secondly whatever may be the outcomes of this process, we need to make sure that victims and those who work with them are supported and resourced to continue valuable work. When an organisation like WAVE has its core funding cut the Government sends out a very worrying signal. (I will not go into detail, but if this is a matter the committee would be able to look at I would be pleased to pass on all the relevant background.)

I look forward to watching your progress on this issue and if I can contribute in any way I will gladly do so.

11 November 2004

APPENDIX 28

Memorandum submitted by Mr Harold Stewart-Stephenson

With reference to the letter in today’s News Letter requesting people to contribute to the “reconciliation” process I wish to present myself as one of those contributors.

May I in the first instance say that I am disappointed that your letter had no email address or telephone number where one could get such information for making contact as letter writing at this time of year carries no guarantee of delivery.

To give you an insight as to who is making this communication I feel it is best to, let’s say, state my credentials.

Born 1936 into the Protestant faith, now a non-believer of any religion, evicted from the family farm at the border (Newtownhamilton) by the IRA in the early 1920s, now on friendly terms with many in the Republican/IRA movement including one who lost a brother shot by the SAS at Loughgall.

Later in life I spent close to 30 years in the British Merchant Navy sailing and enjoying the companionship of all imaginable breeds of humanity on this earth.

It therefore goes without saying I cannot be classed as a Northern Ireland bigot, which I certainly have no wish to be. I belong to no organisation other than a retired member of NIPSA.

So we arrive at the purpose of this letter, ie my personal contribution to reconciliation between the religious extremists, political gangsters who have acquired an empire of untold wealth and at the bottom of importance, (at least in the eyes of Mr. Blair and his spin doctors) lies the law abiding, peace seeking public of all denominations, trying their very best to scrape a living in their time upon this earth.

Everyone knows, even the Lord above, that Sinn Fein and the IRA are the one organisation, yes they do have different departments like Harrods as an example, they have their military department, their political department, their own accountancy department, their public relations department, in fact they are more organised than New Labour or the Tories, they certainly have more brains as I believe Mr McGuinness described your Prime Minister as a “naive idiot”, his words not mine.

Reconciliation cannot happen overnight, it will take years for the pain and suffering to heal, the irony and futility of it all is the impatience displayed for Irish unity by messrs Adams *et al* and Mr Blair *et al*.

So here are my contributions.

1. A full decommissioning of the arsenals of all paramilitaries must be negotiated, and publicly displayed to the satisfaction of the people of Ireland, nothing less will do as this display will be an example of honesty that their slaughter of humanity is over and dialogue only will be the order of the day.

2. A heavy insurance into youth programmes of society responsibilities, like the fire service, ambulance service, mountain rescue, lifeboat etc where they serve two years, (this is to be mandatory if necessary) where they will have to work together to the benefit of society and reduce the boredom of having nothing else to do but criminality.

3. An end to segregated schools as soon as feasibly possible, nothing breeds distrust quicker than segregation.

4. A Justice system that means justice to the victims and not a farce that brings a smile to the gangster's face but humiliates (such a word?) humanity itself.

These are just a few of my contributions, whether they will be read or binned is your prerogative, however I felt I had to make the effort of having my say in the name of humanity.

APPENDIX 29

Memorandum submitted by the Southern Health and Social Services Board Trauma Advisory Panel

The Troubles in Northern Ireland has had a negative impact on the physical, psychological, health and well-being of the population. Individuals, families and communities have experienced bereavement, injury, displacement, loss and fear which have resulted in varied, complex and intergenerational responses.

Within the Southern Health and Social Services Board (SHSSB) the Trauma Advisory Panel (TAP) has been seeking to address the additional health and social problems caused by the Troubles. The Trauma Advisory Panel was established in 1999 in response to recommendations made by the Bloomfield Report (1998) "We Will Remember Them" and the Social Services Inspectorate Report (1998) "Living with the Trauma of the Troubles". Its role was further developed in the victims' strategy "Reshape, Rebuild, Achieve" launched in April 2002. This strategy made funding available to appoint a Coordinator to develop and support the work of the TAP.

MISSION STATEMENT OF THE SHSSB, TAP

The Trauma Advisory Panel strives to enhance the quality of life for victims/survivors of the conflict by recognising, acknowledging and respecting their varied needs and seeking to promote the provision of appropriate support services.

THE ROLE OF THE TRAUMA ADVISORY PANEL IS:

- To provide a forum where the impact of the Troubles on the whole community is acknowledged.
- To represent the needs and views of groups and individuals affected by the Troubles.
- To make statutory bodies more aware of and responsive to these needs through the participation of their representatives on the Panel.
- To improve service delivery to people affected by the Troubles in a sustained and focused way.
- To make the views of those who have no other voice known to agencies and policy makers.
- To develop an effective communications strategy.
- To provide networking and training opportunities for Panel members and other relevant agencies.

DEVELOPMENTS

These aims are achieved through working in partnership with all stakeholders, hosting regular meetings, facilitating consultation, networking and training events. The following examples indicate the ongoing work of the Panel:

- The Panel has been instrumental in developing a Troubles related counselling service which provides specialist support and counselling to people affected by the Troubles in a neutral, confidential environment. The service is available to assist relatives and victims deal with the impact of exposure to traumatic stress. The professionally qualified, accredited counsellors are employed on a part time basis within each of the three Health and Social Services Trusts of the Southern Health and Social Services Board.
- In order to address the need for improved communication an Information Directory of Services for People Affected by the Troubles has been published and widely distributed. The first edition of the Panel newsletter "Tapping In" was published in November 2004, further editions will be published on a quarterly basis.

- The Panel has made statutory bodies more aware of and responsive to victim/survivor needs through influencing policy developments and participation in consultations and conferences. Providing support and appropriate signposting to individuals and groups is an ongoing part of the work of the Panel.
- In partnership with Armagh and Banbridge Local Strategy Partnerships the Panel has secured funding to employ a Development Worker to provide networking opportunities and capacity building training for victim/survivor groups to enhance quality standards.

The Panel has also been successful in securing funding from the Victims Strategy Implementation Fund:

- (1) To increase the effectiveness and profile of the Trauma Advisory Panel through capacity building of members, increased participation, facilitating of events and networking.
- (2) To conduct research based on an analysis and evaluation of the work of the Trauma Counselling Service.
- (3) To increase awareness and understanding among Health and Social Services staff of the impact of the Troubles on the health and well-being of individuals and thereby enhance service delivery to victims/survivors.

The Southern Health and Social Services Board Trauma Advisory Panel have initiated these developments in response to the needs of victims/survivors of the Troubles, in an attempt to address the gaps in services for the population of the Southern Health and Social Services Board. Future plans require a regional strategic framework which would contribute to greater coordination, communication and access to services in all areas.

MEMBERSHIP OF THE SOUTHERN HEALTH AND SOCIAL SERVICES BOARD TRAUMA ADVISORY PANEL 2004

The Panel acts as a networking forum where the impact of the Troubles on all the residents of the Southern Health and Social Services Board is acknowledged. In order to carry out this important work the Panel has agreed ground rules, boundaries and basic rules for engagement, which facilitate dialogue and constructive debate.

VICTIM/SURVIVOR GROUPS

- Mr Albert Hewitt, Wave Trauma Centre, Armagh
- Ms Reatha Hassan, SAVER/NAVER (South/North Armagh Victims Encouraging Recognition), Markethill
- Mr Pat Maginn, Cumann na Meirleach, (ex-prisoner group) South Armagh
- Mr William Wilkinson, FAIR, (Families Acting for Innocent Relatives) Markethill
- Mr Gareth Porter, HURT, (Homes United against Ruthless Terrorism)
- Ms Shauneen Baker, Relatives for Justice, Belfast
- Mr Alan Brecknell, SAOL, (South Armagh Overcoming Loss) Cullyhanna
- Ms Janet Hunter, FACT, (Families Achieving Change Together), Lisburn
- Ms Pauline Rice, sub committee for victims/survivors on behalf of South Tyrone Area Partnership

VOLUNTARY ORGANISATIONS

- Ms Margaret Phillips, CRUSE Bereavement Care, Newry
- Ms Joan Kenmuir, Samaritans
- Ms Kay Barrie, Victim Support, Lurgan
- Mr Martin Murphy, NOVA, Craigavon
- Mr Ian Bothwell, Crossfire Trust, Keady
- Ms Norma McConville, Community Dialogue
- Ms Ann Boal, Disabled Police Officers Association, Carrickfergus
- Ms Lesley Hamilton, Second Chance Programme, Armagh College
- Rosemarie McDonnell, Victim Support, Newry

CHURCHES

- Canon John McKegney, Church of Ireland
- Father Eamon McCreave OFM, Catholic Church
- Mrs Helen Rogers, Presbyterian Church
- Reverend David Clements, Methodist Church

STATUTORY MEMBERS

- Ms Marion Corrigan, Department of Social Care, SHSSB, Chair of Panel
- Ms Cathy McPhillips, Armagh and Dungannon Health and Social Services Trust
- Mr Laurence Evans, Newry and Mourne Health and Social Services Trust,
- Ms Thelma Byrne Craigavon and Banbridge Community Health and Social Services Trust
- Dr Stephen Bergin, Public Health Department, Southern Health and Social Services Board
- Ms Eileen Donnelly, Southern Education and Library Board
- Ms Sharon Haughey, Northern Ireland Housing Executive
- Ms Debbie Taylor, Social Security Agency
- Dr M Murray, GP, Loughbrickland

FUNDER PARTNERS

- Ms Joanne Morgan, Banbridge Local Strategy Partnership
- Ms Denise O'Hare, Armagh Local Strategy Partnership

TAP STAFF MEMBERS

- Ms Clare Quigley, Trauma Advisory Panel Coordinator
- Mr Pat Murphy, Trauma Advisory Panel Development Worker
- Ms Elaine Cranney, Trauma Advisory Panel Administrator

APPENDIX 30
Memorandum submitted by the Maranatha Community**1. INTRODUCTION**

1.1 We welcome the decision of the Northern Ireland Affairs Committee to conduct an inquiry into the issue of establishing reconciliation in communities and between individuals who have been afflicted by terrorism.

1.2 We also welcome the Secretary of State's programme of discussions about "ways of dealing with the past which recognise the pain, grief and anger".

2. CHANGING THE PERCEPTIONS OF THE YOUNG

2.1 It has been our experience over many years that attitudes which contribute to suspicion, division and hatred, are invariably rooted in very powerful formative influences which have been brought to bear on the young. These have been sustained by peer group pressure in the context of involvement in continuing confrontation. They have also been fed by a cultural and religious inheritance from previous generations which has often been deliberately and grossly distorted.

2.2 The long-term establishment of healthy community relations will only occur when responsible citizens ensure that children are set free from the myths, symbols and language of bigotry with which they have been systematically imbued over many years.

2.3 The visual environment of militarist murals undoubtedly has a profound and lasting influence upon children. The commitment of those, on both sides of the divide, to the complete eradication of provocative murals, graffiti and other symbols of confrontation, would be warmly welcomed by the wider community upon whom they have been imposed. There are substantial numbers who do not wish to perpetuate tribalism and would strongly support a clean up of a disfigured environment which ties them to the past. Perhaps sponsors could be found to fund displays and murals proclaiming messages of peace and hope, rather than hatred and despair. Imaginative schemes of neighbourhood regeneration would encourage the young to escape from the shadows of the past.

2.4 Children and young people have rarely met those who have been politically and militarily involved on the other side of the divide. Our experience is that the most effective way of dealing with a continuing situation of distrust is for men and women who have been personally involved in violence but who have given it up, to share with children and young people, and present an attractive alternative for the future.

2.5 In this context we would specifically draw the attention of the Committee to the work of public-spirited people such as Tom Kelly and James Tate. Tom, a Catholic, was very active in the Provisional IRA and James, a Protestant, was very active in the IJVF. They both served long prison sentences and renounced

violence. They came together in the Maranatha Community and now have an impressive record of faith-based joint work for peace and reconciliation, especially among the young. Their impact on students in schools has been profound and lasting. One of the most effective ways of dealing with Northern Ireland's troubled past would undoubtedly be to arrange for those with first-hand experience of violence, such as Tom and James, to engage in a long-term programme of education in reconciliation.

3. FORGIVENESS

3.1 Many thousands of people in Northern Ireland inevitably nurture painful memories of past hurts and injustices in the troubles and also passed-on stories of atrocities in their families.

3.2 Remembering can bring pain or healing, depression or hope. Days of reflection and sharing can enable hurting people to learn from one another and to make appropriate commemorations of a past which can never be forgotten.

3.3 Our experience is that no amount of counselling and teaching can ever substitute for a deep sharing of pain followed by an exploration of the process of forgiveness and the healing of memories.

3.4 This Community has arranged many meetings in key areas of confrontation and violence in the Province when former perpetrators of violent acts and their victims have been brought together. The publicly declared sorrow of former paramilitaries combined with the witness of victims has proved to be a major factor in the reconciling process. These have included people such as Bernadette Power and Christine McKay whose husbands were gunned down and who have publicly forgiven those who murdered their loved ones.

3.5 The sharing of guilt and pain has, in the context of Christian faith, led to acts of repentance and forgiveness. These have a profound and lasting influence on the participants and also on the local community. They have had a dynamic influence on the process of healing the past.

4. ENDING FEAR

4.1 The problem of creating community leadership in many areas hinges on the fact that often those who emerge as community leaders are themselves associated in the eyes of the community with paramilitary groups which are still actively engaged in bullying, extortion and violence. Thus, the confidence of ordinary people who wish to escape from the past is immediately eroded.

4.2 The ties with the past can only be broken if the local community is convinced that criminal acts by friends and associates of community leaders, or community leaders themselves, have totally and finally ceased. Tragically, at a time when the peace process seems to be centred on the act of disarmament, the fact remains that the most highly organised criminal groups still active today are directly linked to the paramilitaries. It is widely recognised that paramilitary criminal activity is continuing unabated and even, perhaps, increasing in scale. Fear will only be overcome when all criminal activity is publicly renounced by politicians and paramilitaries alike. This is the essential pre-condition for the continuation of the reconciliation process.

4.3 The honest sharing of ideas and views can only take place if there are no repercussions. A higher degree of mutual trust and respect is needed and sadly this is often not found in some civic groupings.

5. RECONCILIATION INITIATIVES

5.1 Many excellent initiatives for reconciliation have been taken by Christian groups in different parts of the Province.

5.2 Over many years this Community has arranged hundreds of meetings attended by Catholics and Protestants in almost every centre of population in Northern Ireland. These have borne rich fruit and have also generated an enormous caseload of counselling and personal help. The process of reconciliation is inevitably slow and the fear experienced by actual and potential local community leaders to stand out against violence is still widely evident.

5.3 Meetings between opposing interests need not be politically confrontational if carried out in an atmosphere of honesty and genuine care. This can best be achieved by joint Protestant/Catholic sponsorship, with no political agenda.

5.4 Many sincere initiatives for reconciliation have involved superficial and often short-lived gestures. It is far more important to influence a small number of people deeply than a large number superficially. Sharing personal life stories is particularly valuable.

6. VOCABULARY AND ENVIRONMENT

6.1 Much political vocabulary is exclusive rather than inclusive. Often the words used are deeply embedded in history. Genuine peacemakers on both sides will have to learn a new sensitivity to reactions to certain words and phrases. In particular, it should be recognised that the pain of history can easily be perpetuated by emotive words, songs and images and by the continuation of a mythology which is often sterile and artificial.

6.2 Urgent efforts should be made to avoid provocative “patriotic” gestures which fuel old conflicts, open old wounds, and cause deep offence to the other side. This will require strong and imaginative leadership from both sides.

7. ROLE MODELS

7.1 It is vital for the young to have good role models who they can respect.

7.2 Political leaders need to recognise that one of the major problems is that in the areas of greatest trouble the dominant local role models for children and young people may be hard-line political activists and paramilitaries renowned for their ruthlessness and corruption.

7.3 Those at the lower end of the educational scale, especially facing the prospect of long-term unemployment, are particularly vulnerable to the supposed glamour of association with the paramilitaries and their “macho” image. Sadly, many of those involved in paramilitary organisations have no trade, no job and have known no other life than involvement in the troubles. They move naturally from political to “military” activity and then to criminal activity.

8. EMPOWERING LOCAL COMMUNITIES

8.1 Young people who have not been drawn into sectarian attitudes and acts and have gone forward to higher education are often very reluctant to return permanently to their home community. They frequently move elsewhere, even out of the Province, thus robbing communities of future leaders. This trend must be reversed.

8.2 There is an urgent need for authority to be given back to general society from activist minorities and for new local leaders to be empowered. If there is more than a very small minority of former paramilitaries in local leadership, there will inevitably be uneasiness and the emergence of strong new leaders will be inhibited. People in some communities still feel that grants made to various neighbourhood projects are used to strengthen paramilitary penetration and control.

8.3 For many years the power-base of the paramilitaries has been dependent upon maintaining division and polarisation in the local community. Unless this is recognised, no progress will be made.

8.4 It also needs to be recognised that the power exercised by the paramilitaries has in many respects grown rather than diminished during the years of the peace process. Without a radical reversal of this trend little progress can be made.

9. THE ROLE OF THE CHURCH

9.1 Churches on both sides of the divide agree that Christians in Northern Ireland are the beneficiaries of a great Christian inheritance which they treasure. They agree, however, that we are all damaged by the pain, suffering, evil and injustice of past years.

9.2 The churches are now in a unique position and could play a key role in transformation and reconciliation during the next few years. Many local churches have outstanding records of work for reconciliation.

9.3 Local Protestant and Catholic churches working together could, with Government and civic support extend the process of community sharing. In particular, they could offer hope of shared sorrow and repentance for the past and for an honest and healthy consideration of basic personal questions by their adherents. These could include:

- Do I admit the reality of the pain and unease, anger and even sense of injustice within me as I view those of other traditions?
- Do I accept the reality and legitimacy of the pain, and unease, anger and injustice of those in another tradition?
- Am I prepared to accept the fault in my own tradition and the good aspect of other traditions?
- Am I ready to walk in the shoes of those of other traditions—feeling their pain and seeing the present situation through their eyes?
- Am I ready to admit that many of my own attitudes, words, hopes and fears are rooted in and dictated by my inherited tradition?

9.4 Simple acts of people coming together from both sides of the divide with honesty and humility, but without compromising fundamental beliefs, can play a major role in creating an atmosphere of peace and justice. The initiative for these clearly lies with Christian organisations and the institutional churches, but with the active and enthusiastic support of government and public institutions.

23 December 2004

APPENDIX 31

Memorandum submitted by Mr Bernard J Mulholland

A letter from Michael Mates appeared in the Irish News explaining that the deadline for submissions to the Northern Ireland Affairs Committee regarding “reconciliation” was to be extended to the end of 2004. In true tradition I’ve left it until the last possible moment to write in with a few suggestions!

First, I’d like to suggest that the grievance felt by many people affected by the “Troubles”, whether it be here in Ireland or in Britain and further afield, might be assuaged through having a place of remembrance where they might visit. As such I would like to suggest that a mausoleum, possibly dedicated to Palladius (ie the first recorded bishop sent to minister to the Christians in Ireland), built in imitation of the mausoleum built by Constantine—the first Christian emperor—might meet the needs of many people. By highlighting two people and eras that existed at the interphase of the Pagan & Christian worlds the mausoleum would include both, and would also serve to remind people of a time when Christians were a unified congregation.

Constantine’s mausoleum was circular or octagonal in plan and roofed with bronze plates instead of clay tiles, so that as you moved around it the dome would flash with reflected light much like a cut diamond or a disco glitter-ball. If a latter-day mausoleum were built in this way and placed where it could be seen from the air, sea and land then it would be awe-inspiring. The number of bronze plates used to roof the dome might reflect a significant number, such as the date of the Belfast Agreement, but I would suggest that to use it to reflect the number of those killed/murdered during the “Troubles” might be divisive in that it would exclude those that committed suicide because of the sheer terror or stress of the “Troubles”, those that died overseas and those that have been overlooked. I would so suggest that there be two sets of bronze roofing plates so that the set that is removed for cleaning (to keep the dome burnished) would be replaced by the second set.

Secondly, I’d like to suggest that reconciliation might be aided through the commencement of an Irish history project encompassing all the universities of Ireland (led by the Irish Studies Institute at Queen’s) with the remit to draw up a single history & pre-history for Ireland to replace the plethora of distorted versions currently available.

An imaginative project would include primary and post-primary schools, and would enhance their participation through having them collect “living histories” of their parents & grandparents and their parish/townland using modern tools of research such as the audiotape and video recorder. Whereas the notion of “volunteerism” is well enshrined in Britain *vis à vis* public participation in archaeological excavations and local history societies, it is sadly lacking here in Northern Ireland. An Irish history project could tap into volunteers to research their local history, their genealogy and their surrounding archaeological sites.

Thirdly, and related to the two above projects, I’ve recently been pressing the Faculty of Humanities at Queen’s University in Belfast (I’m in the first year of a PhD in the Byzantine Institute) that one or more international conferences be held on the theme of “Republicanism”.

In Ireland the theme of Republicanism has been largely hijacked by an extreme element whose intellectual base is very narrow and restricted. I think that it is time to expand their horizons through contact with modern Republicans from the USA, EU, Russia, China and elsewhere and also with historical Republicans through Classical studies surrounding the Roman Republic, Byzantine Republics and the formulation of the ideas therein.

And such conferences would be a total waste of time if they didn’t look to the future, both in Ireland and the EU.

I hope that the ideas exercised here might prove useful.

APPENDIX 32

Memorandum submitted by Dr Zac Nsenga, Embassy of the Republic of Rwanda

My name is Zac Nsenga and am currently serving as the Ambassador of Rwanda to the United States. I also served as Ambassador to the United Kingdom from 1996 to 2000 with concurrent accreditation to the Nordic countries and Dublin. I am greatly honored to be asked to share with the committee, Rwanda’s experience on reconciliation. I do hope that our experience will contribute the committee’s efforts as it deals with Northern Ireland’s past.

In my submission, I have tried to highlight what I think is relevant from Rwanda's experience on reconciliation. So, please feel free to contact me at any time during the hearing should you require more information or clarification as regards our experience.

RECONCILIATION: AN EXPERIENCE FROM RWANDA

INTRODUCTION

Rwanda is one of the 53 African states situated geographically more to the East than to centre of Africa. It borders Uganda to the North, Tanzania to the East, Burundi to the South and DRC to the West. It has a population of 8.2 million and the size of Wales in the UK. Rwanda is struggling to recover from her bitter recent history of chronic human rights violation, a culture of impunity and 1994 genocide. Most Rwandans now believe that classical justice alone is not enough to bring about reconciliation given the magnitude of the task ahead of them. Rwandans are now probing through their historic past for some of the other initiatives that can restore unity and reconciliation.

Historically, Rwanda existed as kingdom under a centralized administration headed by king. The people of Rwanda have always shared a common culture, religion and language (kinyarwanda). They were differentiated along social lines depending on level of wealth (cows). Normally, Batutsi class depended on cows for livelihood. Abahutu depended on agriculture where as the Batwa either did pottery or specialized in entertaining at the king's court.

All the three classes paid tribute to the king in return for protection and various favours. Batutsi who lost their cattle due to disease epidemic such as Rinderpest would become Bahutu and like wise Bahutus who obtained cattle would become Batutsi thus climbing the ladder of the social strata. This social mobility ended abruptly with the onset of colonial administration. What had hitherto been social classes until then, took a fixed ethnic outlook and thus there emerged the "Tutsi, Hutus and Twa ethnic groups". Some even go further to refer to them as "major Rwandan tribes".

A traditional justice system called GACACA predominated as an institution for resolving conflict, rendering justice and reconciliation. The king was the ultimate judge and arbiter for those cases that ever reached him. Despite the traditional nature of the system, harmony and cohesion had been established among Rwandans and within the kingdom.

The colonial administration drastically changed the traditional system with a new order in which they ruled indirectly through the king whose power had been completely usurped. New sets of rules and instructions that were unfair and unpopular to ordinary people were being implemented by their king (Tutsi) to the detriment of the centuries old cohesion. The western form of justice inherited was taken as alien, divisive, unfairly applied and only served the interest of the colonial administration.

These serious colonial distortions undermined the cohesive process characteristic of the pre colonial era and sowed the seed of disaster that was in waiting. No wonder therefore that unlike many of the African countries that obtained independence with a united sense of nationalism, Rwanda's transition to independence was marred with bloody massacres recognized by many as the first Rwandan genocide of 1959. Tens of thousands of "Tutsis" and many pro-monarchist "Hutus" were massacred or forced into exile. State inspired violence continued to be directed against innocent "Tutsi" in form of persecution, loss or destruction of property, torture, imprisonment and forced exile.

A culture of impunity prevailed for all those decades until 1994 genocide. No body was ever held to account for all the human rights violations. In actual fact, impunity was codified into the Rwandan law under what was termed as "Amnesty law of 20 May 1963" which exonerated all those responsible for the 1959-62 massacres and "Amnesty law of 30 November 1974" granting amnesty to those who committed political crimes and massacres of Tutsis in 1972. It was this long established culture of impunity that paved the way for 1994 genocide.

The peculiar nature of the Rwandan genocide by which large proportion of population got involved in massive crimes against humanity posed the greatest bottleneck to the administration of justice and reconciliation. And indeed, the challenge in the aftermath of genocide has been how to bring about accountability for genocide, end impunity and set the country on the path to the rule of law on one hand and on the other to bring about national unity and reconciliation as a basis for peace, stability and development.

It was this kind of dilemma that led the government of Rwanda to initiate nation wide debates and international consultations on the future of justice in Rwanda. Fundamental conclusions were arrived at:

- It would take over 150 years for Rwanda's justice system (national courts and the International Criminal Tribunal for Rwanda) to complete the current genocide suspects in custody (120,000 inmates).
- Given our historic past, eradicating a culture of impunity is a must if justice and reconciliation is to be realized.
- Classical justice alone would not be sufficient to bring about healing and reconciliation in a society that has endured impunity and injustice for so long and whose social fabric had been destroyed by 1994 genocide.

- Since a large number of citizens publicly committed crimes against their neighbors and in the eyes of the whole population, the society would play a role in recounting the facts, disclosing the truth and participating in both reconstitution of Rwandan social fabric and the healing process as a matter of national obligation.
- Questioning the past for solutions on reconciliation would be a good idea to start with. The history of Rwanda provided rich tradition of peaceful coexistence and reconciliation. Other alternative solutions from elsewhere would be incorporated if found fitting to the Rwandan situation.

THE BIRTH OF GACACA

Based on the above considerations, Gacaca system of justice was adopted through legislation. The advantage of gacaca concept is that every Rwandan is familiar with it and it is well rooted into the Rwandan culture and tradition. Nobody would have to go for training on what it is, how it works and its benefits to the community.

The word Gacaca in Kinyarwanda means “in the grass”. In pre-colonial Rwanda, it was used to settle community disputes and conflict, thus rendering justice and reconciliation to communities. Both the offender and the offended would be judged by a team of respected elders of high reputation known for their impartiality (INYANGAMUGAYO). The community plays the role of the judge, the prosecution and implementation of the sentence passed.

Judgments passed are intended to facilitate the victim and the offender to forgive and reconcile. The offender would be reintegrated into society without any retribution and would promise the community not to repeat the offence. The offender is asked to compensate the victim. The system ensured harmony in the kingdom of Rwanda. It was respected because of its fairness emanating from the impartiality of the judges and the whole community.

OBJECTIVES OF GACACA

1. To expedite the trial of over 120,000 genocide suspects.
2. Truth telling through confession and witnesses from the public. This avails evidence and information for purposes of prosecution and documentation of genocide.
3. To end culture of impunity that has characterized Rwanda.
4. To facilitate Reconciliation through confessions and seeking apologies.

GACACA AND GENOCIDE

Traditional gacaca was never applied to crimes of such magnitude as genocide. That is why it was important to empower it through an act of legislation in order for it to pass relatively heavier punishment. Impunity had to end and be seen to be tackled, lest Gacaca would be seen, especially by the survivors of genocide, as a kind of amnesty similar to the ones of 1963 and 1974. It is for this very reason (able to try and punish) that Gacaca was preferred as opposed to the South African Truth and Reconciliation. It was also imperative to categorize the level of involvement in genocide crimes because not all cases of genocide suspects would be handled by Gacaca.

Category 1

All persons whose criminal acts or criminal participation place them among planners, organizers, supervisors and ringleaders of the genocide or crimes against humanity; all persons who at that time were in the organs of leadership, army, gendarmerie, communal police or militia and committed genocide or encouraged others to commit crimes; persons who committed acts of torture against others even if they did not result into death; persons who committed acts of rape.

Category 2

This category includes those who killed with or without intent to kill but they were not the planners of genocide; or caused serious body injuries with intent to kill but did not achieve their objective; or those who aided others to kill such as by giving information on victims hide out.

Category 3

Includes all who committed acts of Arson.

Gacaca tribunals have jurisdiction over categories 2 and 3. Punishment is executed through community service or a combination of community service and imprisonment. Most in category 3 have been acquitted already because they have already been in prison for long. Category 1 suspects are under the jurisdiction of ordinary national courts and international tribunal for Rwanda in Tanzania.

RESULTS SO FAR

1. Many prisoners have confessed, recounted the truth about what happened and asked for forgiveness.

2. Gacaca process has led to the release of over 42,000 prisoners to be handled by gacaca courts or for reintegration into their communities.
3. Reconciliation is in progress as those released and have asked for forgiveness are engaged in day to day challenges of facing the realities of our history and the survivors they wronged.
4. Gacaca has had a positive impact to the community through confidence building and community participation for a common goal.
5. Concept of community service as opposed to imprisonment has been adopted. Many who are convicted through gacaca courts spend half or all their punishment doing community work such as building schools, health centres, road construction etc.

CHALLENGES

The major challenges include:

1. Gacaca system poses a lot of financial and logistical bottleneck. There are more than 10,000 courts around the country which implies a lot of communication, transportation and administrative requirements.
2. Survivor's compensation is still problematic. Where as more is done focusing on trials and reconciliation, resources have to be available to compensate the survivors of genocide who are expected to forgive and reconcile their tormentors without anything in return.

CONCLUSION

Rwandans know that gacaca is not a panacea in itself. It is one of those tools that can facilitate reconciliation through expediting trials, ending impunity and truth telling. The alternative means more than a century of a burden that only the Rwandans have to shoulder. Gacaca system will help us put the burden of a huge prison population behind us and increase chances for reconciliation. It is a home grown solution known to Rwandans of all walks of life. We do not need expertise and neither do we need training on the system.

Certainly, it presents a lot of financial and logistic challenges. But these are worth tackling. The alternative, in the case of Rwanda, is more costly. I believe that within any given society and especially the conflict stricken ones like Rwanda, there are many local initiatives that can be re-visited for solutions. There is no one single answer to justice and reconciliation. A combination of initiatives : political, economic, social and cultural efforts play a big role. And it seems to me that the Northern Ireland Affairs committee is on the right path trying to examine all these aspects from different experiences.

29 December 2004

APPENDIX 33

Memorandum submitted by the Peace People Executive

1. INTRODUCTION

The limited nature of this paper

The Peace People have worked for reconciliation in Northern Ireland since our foundation in 1976—but with ever decreasing resources. We welcome this initiative of the Northern Ireland Affairs Committee and are very glad to participate. Because of our own present lack of resources, these recommendations are short and we are only too aware of their limitations.

2. THE CONTINUING NEED FOR RECONCILIATION IN NORTHERN IRELAND

It is our belief that at the present time there is a deeply felt need for some form of Reconciliation process in Northern Ireland. We are also aware that any such process must be handled delicately from start to finish if it is to be successful in achieving its goal.

All over Northern Ireland, there are groups and individuals who have been working on the ground towards reconciliation, harmony and peace.

Even when the political vacuum has been filled, and even while it has not been filled, the quest for reconciliation at the personal and community level should continue apace with vigour.

It would be good, if possible, to harness the efforts of all such groups and enhance their efforts rather than undermine them.

However while the private nature of these efforts often suits the participants, there may also be a need for a more public acknowledgement of the trauma and grief caused by over 30 years of conflict and this need should be identified and itself acknowledged. The resulting process is what is envisaged in this submission.

David Bloomfield's advice to begin early, to persevere and deal with the hard issues, not to rush the process itself and have transparency re goals, difficulties, time, pressures and resources, should be taken on board.

3. DIFFICULTIES

- (a) A desire by some, maybe many, to forget rather than confront past actions and their results.
- (b) Conflict between the political agreement and personal reconciliation.
- (c) Fear of litigation by some participants.
- (d) Fear of gloss over, loss of rights, loss of possible compensation by some victims.
- (e) Fear of loss of present status, good name, employment, spouse/family by some participants.
- (f) Expense.

4. RECOMMENDATIONS

(a) Set up a Headquarters somewhere in Northern Ireland with personnel seconded from NGOs such as the Quaker Community, Amnesty International, the Red Cross, The Corrymeela Community, Glencree Centre for Peace and Reconciliation, Salvation Army, Belfast Redemptorist Community, and several others who may have already worked for reconciliation in Northern Ireland.

The people so seconded and willing to work would be paid an agreed wage. Pre-engagement of community halls, churches, college campuses, schools, peace houses, monasteries and other such places that could provide adequate space and services and adequate privacy whenever necessary in which to conduct the business of the reconciliation meetings.

(b) A two week period of training for the staff.

(c) Media advertising, concentrated on Northern Ireland, offering an open, all-inclusive invitation to victims to contact the Reconciliation Office or submit a victim statement. Immediate follow-up would include a first meeting of victims from whom requests and proposals would be entertained. If possible, this first meeting, however small, would take place two weeks after the end of staff training.

(d) Further meetings would be arranged with these and other victims in the following weeks.

(e) The Arts and local community groups can help in the process, eg by giving people the skills to tell their stories either verbally or in writing. They could encourage and empower people to break out of the cycle of fear and inertia and begin to dialogue and truly listen to each other. Sadly, the Arts groups are underfunded.

(f) The full process would eventually include:

- (1) One week meetings on the Glencree model as outlined by Ian White.
- (2) Ongoing meetings, some involving victims only, some with both victims and those whom they wish to speak to, confront or engage with.
- (3) Active Observer and proposed resolution meetings for those unhappy with passive mode.
- (4) Meetings for former paramilitaries who request psychological help.
- (5) Inter-faith and inter-Church meetings and festivals.
- (6) Inter-community walks, festivals and getting-to-know-you parties.
- (7) Interaction with communities where strife is still present.
- (8) the establishment of pan-cultural museums and libraries.
- (9) An official remembrance day in Northern Ireland for all those who have died, been injured or bereaved during the time of the Troubles. It would be best if this idea could come from the participants at meetings rather than be suggested by authorities.
- (10) it would be good if, at some stage, the question of language would be addressed.

For instance, the terms Ireland, Ulster, Northern Ireland, Eire, the Six Counties can cause anger to different people as I'm sure many other terms can.

- (11) Acceptance of others' cultures and religion or lack of religion. Again, this would be best to emanate from discussions at meetings.

With regard to religion what is envisaged is an aggiornamento within Churches on the scale of what happened in the Roman Catholic Church during the pontificate of John the Twenty-Third. The goodwill of all Churches would be needed here. With regard to culture, it would be good if

we could envisage a day when members of both communities could tolerate or even enjoy the music and culture of the other. The innate sense of good humour of all the people of Northern Ireland will be a help here.

- (12) Integrated education. There are excellent integrated schools throughout Northern Ireland at present. The idea of educating children together in a non-confrontational environment appears to be of such paramount importance that it should be actively discussed and debated with Church leaders. The idea should be kept constantly in the public mind by advertising, speeches, participation in radio and TV programmes, letter writing etc.
- (13) A comprehensive study of the Restorative Justice method with a view to its implementation in Northern Ireland.
- (14) (possible) The South African model might be used on a limited basis for victims who preferred to use it. The need for a facilitator of the stature of Bishop Tutu would be obvious here.

It is envisaged that all meetings would be owned by the participants, have background medical, social, psychological and psychiatric support and inspire confidentiality in all the participants.

It is also envisaged that the State would fully support the process although keeping at a distance. The example of Zimbabwe proves that political power must fully endorse the process for it to be successful. At the same time, the political powers, parties and various local administrations should not take over the process or seek to gain political gain from it.

APPENDIX 34

Memorandum submitted by the Falls Community Council

1. We welcome the opportunity to contribute to the public debate on dealing with the legacy of the past.
2. There are many processes needed to support a society coming out of conflict and making the transition to peaceful democracy and we believe that truth recovery work is an essential part of this. Truth recovery can take many forms including judicial processes, formal truth mechanisms (including truth commissions), investigation, story telling, remembering and oral history. This reflects the many different kinds or genres of truth: historical truth, moral truth, factual or forensic truth, personal or narrative truth, social or dialogue truth and healing and restorative truth.
3. Experience from elsewhere tells us that dealing with the past and truth recovery is a necessary process. In many conflict situations around the world the unresolved issues of the past come back even when a new regime has attempted to move on without any acknowledgement or examination of historical wrongs. Currently in Uruguay, Chile and Spain there are ongoing investigations of the human rights abuses inflicted in previous decades.
4. Since 1999 Falls Community Council has been engaged in oral history work set up with the aim of enabling our community to make sense of the past we have experienced. The community of nationalist West Belfast suffered disproportionately the trauma of the conflict, not only in the number of deaths but also the wider impact of militarisation, as well as marginalisation and isolation from the political and civic structures of the state. Through our oral history archive of the experience of the conflict in West Belfast we are building a resource to examine our history and learn from the past. This stems from the belief that grassroots engagement with the process of recording history is a means for peacebuilding and political transformation. We locate this work as truth recovery and conflict resolution work although it will also, we believe be an important legacy for the future.
5. The experience of doing this work has taught us that truth recovery work is a long and arduous process. The quotation below from an article reflecting on the impact of the South African TRC conveys this meaning: 'How does one transform information into knowledge, emotion into insight, events into experience, experience into meaning? How is truth not merely recognised, but integrated into a new sense of self, into new social relationships, into new political structures, into the building of a future that is fundamentally different from (rather than an erasure of) the past' (Linfield, 2000)
6. Falls Community Council has taken part in a number of other networks that have been working on dealing with the past ie:
 - the Healing Through Remembering Project;
 - an informal network of victims groups convened through the Community Relations Council;
 - and Eolas, a group of organisations and individuals working with victims and former political prisoners in the republican and nationalist communities of Ireland.
7. The Healing Through Remembering Project has produced a report recommending a number of ways of dealing with the past. These include story telling, a living museum, an annual day of reflection, commemoration projects as well as a truth recovery process. These recommendations are being progressed in a number of working groups of which Falls Community Council is a member.

8. The Healing Through Remembering report makes clear that dealing with the past involves more than a truth recovery mechanism and that any such mechanism should run alongside the other recommended initiatives. In its discussion of a truth recovery mechanism the report stresses that an essential first step should be acknowledgement from all role players of their responsibility for past violence including physical and psychological acts of violence, active encouragement, passive engagement or not doing enough to prevent such acts. The role players listed in the report encompass organisations, political parties, institutions, the British and Irish states and Republican and Loyalist paramilitaries.

9. The informal network of groups representing and working with victims (including Falls Community Council) is facilitated through the Community Relations Council and is continuing to meet. Our discussions are at an early and tentative stage and we have recently sent a letter to Paul Murphy requesting that he delay any decision regarding a mechanism for dealing with the past until we can complete our process and therefore be better able to participate in a consultation. The letter also expresses concern about current initiatives from the MO because of our shared distrust of the British and Irish governments ability to deal effectively with these issues.

10. The Eolas group has produced a document discussing the case for an official or formal truth process. The document draws on international experience to inform an approach to serve local needs. Different models are presented. All are based on the need for public acknowledgement of the suffering endured by all the victims of the conflict. They also suggest an investigative approach that deals with unresolved issues in a way that is victim centred and also seeks to answer questions about causes as well as establishing facts. Like other truth commissions globally Eolas recommend that a formal truth mechanism should seek to establish historical truth, to outline patterns of abuse and highlight institutional factors that facilitated the abuse of human rights.

11. The Eolas document also makes the point that a formal truth mechanism is one of many processes. The document concludes that an official or formal truth process should deliver something specific and additional to other mechanisms for dealing with the past.

12. Often truth is linked with healing but this is too simplistic. The oral history work at Falls Community Council tells us there is no necessary or inevitable link between telling and healing. Healing may happen but this is a very individual process. Our emphasis is on creating a process that enables the collection of oral history narratives without doing harm to the contributor. The danger of the requirement for therapeutic value to victims is that all the benefit is placed on the victim and therefore implicitly also all the responsibility for dealing with the past. Our view is that this is a societal responsibility.

13. In Falls Community Council the ethos is that the oral history is a gift. The responsibility is on us to value oral history contributions to the archive. This emphasis shifts the way in which the interview is treated. It becomes a part of an archive that is an instrument for bearing witness. This in fact reflects the motivation of many of the contributors to the Dúchas archive. For many the reason to take part is about making the past count and about giving something to the future. This experience suggests another way to consider victims narratives—to see them as gifts to the transition to a just and peaceful democracy. Such a view would reshape attitudes towards victims and also towards the necessity of truth recovery.

14. To date in Ireland, much of the debate and exchange on the role of history and memory in conflict resolution has been carried out at theoretical and academic levels with relatively little basis in community experience. There is a danger that the official collection and production of narrative can exclude the majority of those most impacted by conflict and violence. Falls Community Council combines community development and oral history methods to produce a narrative in people's own words, which affirms their experience and also offers access to this history at many different levels. It has been widely noted that in the north of Ireland we do not have a shared narrative about the past and indeed that this is a contested area, thus impeding overarching and state led approaches to peacebuilding. Falls Community Council's experience offers an alternative community development approach which could inform future directions for this work as a whole.

APPENDIX 35

Memorandum submitted by Dr Corinna Hauswedell, Bonn International Center for Conversion

Following the Committee's request we have decided to submit a couple of aspects which we hope will fit the goals and the format of the inquiry as it is laid out.

We want to communicate our views on the requested topic in a two-folded manner:

The first aspect stems from a study on the Northern Ireland peace process itself which was conducted by BICC from 2000 to 2003, and may rather fall in the category "to examine associated issues which arise in the course of the inquiry"; the other aspect tries to facilitate some hints to the experiences of reconciliation and transitional justice in post-unification Germany, carried out by other researchers.

The principal intellectual link between the two aspects may be expressed in the notion that history and its acknowledgement in the context of any reconciliation process does matter more than easily accepted by the formerly conflicting parties.

I. INCLUDING THE ARMS—A TRIBUTE TO THE DECOMMISSIONING OF MINDSETS

A proposal to include in the course of the inquiry the issue of arms, decommissioning and the related perceptions in Northern Ireland as an issue associated to the process of reconciliation.

Obviously, the discussion about reconciliation in Northern Ireland has not to begin from scratch. During the last 10 years, numerous, and in parts controversial, efforts have been undertaken to incorporate the various issues of dealing with the past in the course of the ongoing peace process. They range from publications like the ‘Lost Lives’, public efforts of story telling in the media, statutory and voluntary endeavours of putting the victims needs into perspective, to the provisions of the Belfast Agreement for Human Rights and the Reform of Justice, the Saville Tribunal, and other inquiries, notwithstanding the question whether Northern Ireland following the example of other post-conflict societies should have a truth commission established, an issue which since 2003 has repeatedly and prominently been raised, among others by the Chief Constable Hugh Orde.

Apart from the discussion which kind of structural approaches would best meet the needs for reconciliation in a divided society like Northern Ireland, the matter of contents has become increasingly important, ie which issues should be covered (and which should be left out) to address protracted features of mistrust and grievances on both sides of the divide in the further process of reconciliation.

We want to argue in favour of including—beyond dealing already with the various consequences of paramilitary and state violence—the issue of the arms themselves, their history, patterns of use, perceptions of disarmament and decommissioning (and non-decommissioning respectively) into a comprehensive approach of dealing with the past.

What may sound like stirring up the mud at first glimpse may prove a sober and honest part of recognition and reckoning useful to leave behind certain mystification and legend building surrounding the weapons issue, in the future.

Due to constraints in terms of time and space we can here only outline a few ideas on the proposed matter; a more in depth proposal may be provided if the Committee decides to take up the idea.

What are the reasons behind this plea?

For many reasons, the decommissioning of paramilitary weapons has become the major stumbling block of the Northern Irish peace process for the last decade, and the complex set of “hardware” and “software” issues related to this stumbling block are still in the process of being unwrapped.

During our studies in the framework of a major research titled *International and Domestic Aspects of Governance in Post-Conflict Societies—A Case Study of the Northern Ireland Peace Process and the Role of Demilitarisation*, which from 2000–03 was funded by the Volkswagen Foundation and kindly supported by various co-operation partners in Northern Ireland our emphasis was laid on the question why the issue of decommissioning gained the enormous momentum it did during the course of the peace process.

At the core of our findings is the notion that the weapons, for a variety of historical and actual reasons, gained a highly symbolic significance and value for all involved in the conflict which went far beyond the military potential of the arms. Any genuine approach to reconciliation will have to take this complexity of symbolism related to the arms into account. By unveiling the irrational and rational aspects of using arms in a particular conflict, a new way of understanding—not necessarily forgiving—may set free the minds for a future of dealing with conflict by non-violent means.

You may find a summary of our conclusions helpful to explain the suggested approach in more detail.

1. GUNS, SYMBOLISM AND POLITICAL BALLAST

In years to come, as the history of the Northern Irish peace process is further researched, commentators will likely marvel at the relative speed with which agreement was reached on constitutional issues such as the establishment of a power sharing government and the setting up of cross border bodies. For decades, the constitutional question had been presented as being not merely thorny, but practically intractable. The thought of Unionists and Republicans sharing the government of Northern Ireland, indeed even the notion of Sinn Fein being involved in a “partitionist” Assembly, would have seemed the stuff of fantasy a decade ago.

The ease with which some of the parties slipped into the constitutional clothes of the new political structures contrasts sharply with their handling of the question of disarmament. Decommissioning dogged the process from the outset, creating numerous blockages, cul-de-sacs and governmental spats.

Decommissioning was the quicksand in which the pro-Agreement Unionist leadership frequently began to disappear, a nagging irritant for the Republican grassroots, and a useful stick with which anti-Agreement Unionists beat their counterparts.

Why the Unionist insistence on decommissioning already silent weapons? Why the Republican reluctance to decommission even a meagre amount of material for so many years? Guns have had a profound importance for Unionists and Republicans, far beyond their military potential. The deeply symbolic and psychological significance of guns in Northern Irish society ensured that any concerted effort to remove them from the province would also require the decommissioning of the mindsets of the populace on both sides of the sectarian divide.

Decommissioned weaponry was valuable for Ulster Unionists in that it provided a foundation upon which to anchor both their place in negotiations and their subsequent position in government. It would provide a very concrete symbol of Republican intentions to move beyond armed struggle, and prevent Ulster Unionists from being undermined by the continuous buffeting of those within their constituency opposed to any rapprochement with Republicanism. The fact that no disarmament occurred during the peace negotiations served to further inflate the importance of the issue when it came to actually sitting in government with Sinn Féin. The goal of decommissioning was held to be critical within pro-Agreement Unionism as it would serve to allay fears that Sinn Féin's commitment to peace might only be tactical; without this assurance, the compromise made in the Belfast Agreement would have been perceived as a sign of fundamental weakness, leading only to future political instability.

Weaponry also had a great symbolic importance for Republicans through the trials and tribulations of the peace process. The symbolic value of munitions ensured that they would hang on to their weaponry even as chunks of traditional Republican ideology were hollowed out. Whilst the Belfast Agreement gave Sinn Féin access to the levers of power, it also involved an end to abstentionism, and with it, an outright, meaningful rejection of British rule in Ireland. It was, in traditional Republican terms, a "partitionist" settlement which enshrined the principle of consent, ended the Republic of Ireland's constitutional claim to the North, and provided for cross-border bodies which, while not being flimsy, were far from being engines of Irish re-unification. These major ideological concessions required a counter-balance. Republican reluctance to decommissioning underwrote and insulated the new political strategy within the grass roots. The struggle was not being sold out or de-legitimised, as its historical cutting edge would be sheathed but intact. In this way, the symbolic importance of retaining weaponry served as political ballast, its purpose being to steady the Republican movement while it jettisoned much of its traditional ideology.

One thing Ulster Unionists and Sinn Féin share in their political history is an understanding of the debilitating nature of political splits and the wounding power of allegations that they are "selling out". In large part, the decommissioning impasse can be seen as a tussle between pro-Agreement Unionism and pro-Agreement Republicanism for the political dead-weight of weaponry, which could prevent them from being toppled by internal or external critics.

2. WHY DID DECOMMISSIONING OCCUR?

Although weapons had a political value for Republicans, the leadership was also aware of the costs accrued from delaying on disarmament. The failure to decommission periodically engendered unwelcome pressure from the British and Irish governments; it also helped fracture Unionism to such an extent that the institutions of the Belfast Agreement would themselves be imperilled. The political value of holding on to weapons centred on easing the Republican movement's arduous transition, but this did not mean that arms would need to be retained indefinitely. If the question of decommissioning could simply be stretched out for as long as it is advantageous, then the grassroots could be reassured through the period of ideological adjustment during which their recalcitrant stance on disarmament could be quietly deconstructed by the leadership. Republicans could seek concessions on issues such as policing or demilitarisation in return for gradualist movement on decommissioning. These advances, alongside the continued electoral growth of Sinn Féin, would improve morale at the movement's base, making actual decommissioning all the more likely. A more propitious framework for decommissioning was developed by the two governments—decommissioning was increasingly seen as being linked to other issues of security such as demilitarisation and policing. In this respect working towards a common understanding of security was crucial to reduce the symbolic value of arms, on all sides.

Perhaps the greatest boost to decommissioning was given by the electoral results of June 2001. In these elections Sinn Féin nosed ahead of the SDLP to become the largest Nationalist party. Simply put, Republican bullets have been decisively superseded by the ballot as a political tool. Weaponry had no real use anymore and might actually be an impediment to further electoral growth; it certainly presented a clear danger to the Belfast Agreement which Sinn Féin supports. It may be helpful to revisit certain tenets of Republican military strategy to assess just how far they, and the peace process, have come. Republican violence had several components. The first component was to act as a costly irritant to the British state. The second, to draw attention and publicity to the question of partition, a form of propaganda by deed. The third, to foil attempts by the British, Unionists, and constitutional Nationalists to reach an internal settlement. IRA violence could act as a partial veto on any prospective settlement; it tended to act as a corrosive and partial solvent on any possible rapprochement. The attempt to harry and harass the British

until they withdrew from Ireland failed as the state simply dug itself in for the ‘Long War’. Armed propaganda became unnecessary—and of course, prone to backfire bloodily—when Sinn Fein was being feted by political leaders worldwide for having moved on to the road of peace. The partial veto deriving from IRA activity has now been replaced by the very real veto inherent in being the largest Nationalist party. In terms of traditional Republican strategy, guns are of no use and only serve to expose Republicanism to political attack from its opponents. The electoral success of Sinn Fein has proved the efficacy of Sinn Fein’s peace strategy and has given them the political space to disarm without appearing to have surrendered.

These internal circumstances favouring an act of decommissioning were already crystallising when unforeseen external factors greatly accelerated the process. Revelations about IRA involvement in the training of the Marxist FARC paramilitaries in Colombia soured Republican relations with the US government and large swathes of Irish America. Soon after, this embarrassment was compounded by the September 11 attacks on New York and Washington. To be associated with an organisation which the US State Department viewed as terrorist, and to have the residual taint of terrorist methods, threatened to place Republicanism outside the political pale. Although these circumstances underlined the need for decommissioning within Republican thinking and accelerated its progress, the process was already underway.

3. LOYALISM AND DECOMMISSIONING

The political outlook within Loyalism differs from that of Republicans on the merits of the peace process, and appears less consistent. IRA decommissioning was fuelled by a strong adherence to the survival of the institutions of the new political dispensation; the political space to decommission was created by their electoral success. In contrast, many Loyalists feel that the new dispensation has done little for them, or the working class areas in which they live. Loyalism’s political concerns, the thinking goes, have been overshadowed by the more media savvy and electorally successful Sinn Fein. The Loyalist presence in the electoral arena is weak, and thus does not act as a powerful incentive to relinquish weaponry. The contrary, economic, and in fact criminal incentives of sustaining paramilitary structures beyond the original political goals, have become prevailing in many Loyalist circles. Wholesale decommissioning obviously entails either a partial or all-encompassing transformation or conversion of a paramilitary organisations.

A growing sense of political inclusion has helped draw Republicanism into the decommissioning process. Only a similar sense of ownership and inclusion in the political process would assist Loyalists in moving along a similar path. Achieving this will be a difficult and sensitive task given the hindrance of Loyalism’s relatively unsuccessful performance at the polls. It should not be forgotten that constitutional participation, or other forms of political empowerment, provide the space in which disarmament can more easily be undertaken. Exclusion, while it can act as a lever that pressures the representatives of armed groups, simultaneously cuts away at their political room for manoeuvre.

4. EXTERNAL ASSISTANCE

Unfortunately, the symbolic, ideological value of the gun did not lend itself easily to pragmatic solutions, and the result was a paralysing tussle for some years.

In seeking a way to transform this tussle, the International Independent Commission on Decommissioning (IICD) played a valuable role as a third party interlocutor; although critics would have preferred that the IICD adopt a more proactive stance, the meticulous, incremental approach of the Commission achieved a certain degree of success. Lessons for other processes of small arms disarmament can be highlighted. The confidence building nature of the independent inspections of arms dumps, a crucial element of external involvement, was an imaginative step which served to ease an armed group into actual decommissioning. It avoided the political pain, and symbolic sensitivity, of immediate disarmament by advancing towards it incrementally. The “dual-key” system implied that the armed group still retained possession of the weapons, even though the dumps had been compromised, and would be further compromised with each inspection. The inspections acted as a surrogate process of decommissioning, allowing political movement to take place, which advancing the chances of a full blown decommissioning event. The efforts to redefine decommissioning as a process that, rather than endeavouring to surrender and destroy weapons seeks to “put them beyond use”, exemplifies the type of creativity that was needed and developed vis-à-vis symbolically driven mindsets.

When weaponry has substantial symbolic value attached to it, confidentiality is key to the process. A certain degree of secrecy about the method of disposal and the quantity of arms decommissioned allows armed groups some protection against internal criticism and the cries of triumphalism from their political opponents. To put it more bluntly, it allows them to save face. Secrecy about the disposal of illegal weaponry may seem distasteful in an open democracy, but if disarmament is achieved then the end justifies the means. There is, however, an important proviso to this: confidentiality will only be accepted if disarmament is verified by a credible independent body which has the trust of the participants in the political process. In this regard the IICD has certainly performed well.

[You may find our findings in a more detailed publication titled *Burying the Hatchet: The Decommissioning of Paramilitary Arms in Northern Ireland* (Authored by Corinna Hauswedell, and Kris Brown), Bonn: BICC brief 22, March 2002 (full text online: www.bicc.de/publications/briefs/brief22/content.html)]

By drawing the lessons learnt from the decommissioning debate more prominently into the reconciliation process, we like to suggest to bring the following more general questions to the attention of the inquiry:

- Which were the historical (and actual political) reasons and justifications for Republicans and Unionists/Loyalists to take up arms in the first place?
- How can the turning points and the process be described when weapons started to become of major symbolic significance?
- Which specifically “Irish” or “British” connotations and perceptions regarding their conflicting common history made disarmament such a difficult issue?
- Which role did outside involvement play during the course of the violent conflict and especially during the peace process to foster or hinder solutions to the issues of arms?

APPENDIX 36

Memorandum submitted by the Belfast Interface Project

Belfast Interface Project (BIP) was formed in 1995 and, following a consultation with key stakeholders, became a membership organisation with an elected management committee in 2000.

We currently have a membership of approximately 30 community groups operating in nationalist or unionist interface or “peaceline” areas of Belfast, plus approximately 12 associate and individual members.

BIP aims to engage in the development of creative approaches to the regeneration of Belfast’s interface areas.

Please find enclosed a copy of our recently-produced policy document “A Policy Agenda for the Interface”, together with executive summary. The policy paper aims to outline key issues in relation to the regeneration of Belfast’s interface areas, as well as to make recommendations as to how these might be addressed. We aim to use the paper as a lobbying tool.

In drawing up the document, Belfast Interface Project have enlisted the expertise and assistance of Brendan Murtagh and Dr Peter Shirlow, both of whom are respected academics in this field.

The document has been prepared after consultation with a number of community groups in interface areas of Belfast.

We feel that the document highlights a number of interconnected problems and issues which are important and relevant to discussions about approaches to reconciliation and assisting the process of healing here.

We would be pleased to forward more copies of the document and to meet with you/your colleagues in order to provide any further clarification as required. I’ve also attached our newsletter “Interface”, for your information.

20 December 2004

APPENDIX 37

Memorandum submitted by the Western Health and Social Services Trauma Advisory Panel

I am writing on behalf of the Western Health and Social Services Trauma Advisory Panel in Northern Ireland. The Panel was formed in February 1999, with the aim of bringing together voluntary, community and statutory groups, which provide a service to the victims and survivors of “The Troubles” in Northern Ireland. There are four panels one in each of the Board areas.

If possible representatives from the panel would like to be involved in any discussions, which concern the ongoing work for victims, and survivors of the Troubles in N.J. To date we have been involved in the following areas of work:

- An Information Pack providing information about each group on the Panel.
- A leaflet “Coping with Trauma”.
- A Directory outlining the services offered by the groups that work with people who have been traumatised directly or indirectly by the Troubles.
- An Evaluation of the work of the TAP and An Audit of the Needs of the People affected by the Troubles. (Dr Roger Manktlelow’s report).

- Lobbied key policy makers.
- Training for the TAP members and groups.
- Four students have recently completed their Cognitive Behavioral Therapy training from the Belfast Cognitive Therapy Centre, and the panel is currently in the process of trying to secure funding in order to provide a service for the groups and members of the panel.
- Developing Service Level Agreements between the Statutory and Voluntary sector (there are a few groups who have already drawn up agreements with Foyle Trust).
- Have an accredited BACP counselling course for 30 people who work with victims of the Troubles..
- A–Z booklet for victims of the “Troubles”.
- A Website providing information about the groups involved on the TAP and the services they provide.
- Media coverage/television, newspapers, and local radio broadcasts.
- Contact with the First and Deputy First Minister’s Office, the Victims Unit and a number of Politicians.
- Contact with Interdepartmental working groups.

The Panel meets on a regular basis and has recently been expanded to include the Sperrin Lakeland as well as the Foyle area. This has brought its own challenges as the number of groups represented on the Panel has been greatly enlarged. The current Chair is Mrs Nuala Doherty of Foyle Trust and an area-wide group which maintains an overview of the process comprises the Chair, the Coordinator, the Directors of Foyle and Sperrin Lakeland Trusts, Mr John Doherty and Mr Vincent Ryan, Mr Sean Coll who continues to represent Sperrin Lakeland Trust, as well as the Local Strategic Partnership—This group is chaired by the Service Planner for Mental Health services in the WHSSB, Mr Jim Simpson.

30 December 2004

APPENDIX 38

Memorandum submitted by Priscilla Hayner,¹⁰¹ International Center for Transitional Justice, New York

I am pleased to make a submission to the Committee’s current inquiry on how to deal with Northern Ireland’s past. This submission is made in the hope of bringing comparative expertise and experience that may be useful in the Committee’s overall considerations, but without claiming extensive local knowledge as to the realities and needs of Northern Ireland. Those nuances and decisions must be worked through by those much closer to the situation on the ground.

One might begin, however, by noting that the question of addressing the past is not new to Northern Ireland. Indeed, there seems to be an ongoing debate about these very questions throughout various communities in Northern Ireland that has been underway for several years. These discussions have been well-informed by a vibrant network of civil society organisations, academic experts, and, to some degree, international input providing suggestions from lessons learned elsewhere. Northern Ireland thus stands in a very different position than most countries, which often begin their quest to confront a difficult past with very little prior knowledge of the policy options before it, and little national expertise to turn to. Very few countries have developed such a depth and breadth of reflection and exploration around issues of justice, accountability, and reconciliation, even before many initiatives are officially undertaken. In Northern Ireland, in contrast, there have been a multitude of statements on the question from across the political spectrum, including specific proposals and ideas of different initiatives that might be considered.

Second, it would of course be inaccurate to suggest that Northern Ireland has not already confronted its past in some ways. On the contrary, there have been important efforts by NGOs, scholars, and victims groups, as well as official inquiries into specific cases; there have been numerous initiatives to document, interview, analyse, count, publish, and, to some degree, memorialise aspects of this contentious past. Lack of interest or attention, simply put, cannot be the reason that strong calls continue for further efforts in this area.

Northern Ireland is thus in the strong position of having a rich and well-researched base of information on which to reflect, and which to consider and incorporate into any further inquiry. But these many endeavors—what some have referred to as a “piecemeal” approach to investigating the past in Northern Ireland—are apparently felt to be insufficient by those closest to the situation. What is lacking, I would suggest, may be two fundamental elements. First, there is apparently still no overarching, authoritative, and

¹⁰¹ Priscilla Hayner is the Director of Outreach and Analysis, and was a co-founder, of the International Center for Transitional Justice, an NGO headquartered in New York. She is also the author of *Unspeakable Truths: Facing the Challenges of Truth Commissions*, a study of over 20 truth commissions, published by Routledge in 2001. For further information, please see www.ictj.org.

widely-trusted statement or report that captures the full truth about the past and makes further recommendations as to how this should be memorialised and accounted for. This full truth would be more than an accounting and clarification of key facts about the past, although such facts are very important and must be included—the who, where, and what about past events, some of which remains clouded in mystery or, more painfully, in denial from those who were involved. This full truth should also address the “why” questions, explaining the context and reasoning of past policies, and documenting the connections between persons, organisations, or authorities that allowed, authorised, planned, or took part in abuses. A full truth allows one to see the patterns clearly, and effectively rewrites—through an honest accounting—the history of a place. Understanding the causes, and the patterns, also allows for a clear outline of what institutions, policies, or laws may need reform, and how such abuses can be prevented in the future. I would argue, equally, that individual case-specific inquiries, such as the Bloody Sunday Inquiry, will never be sufficient to answer this need for a full truth.

However, no matter the strength of any inquiry and any report—and regardless of the impressive work that has been done to date documenting many truths in Northern Ireland—it seems that a second element is also still significantly lacking: that of a serious, and sincere, acknowledgement of the truth by the authorities or organisations that were involved, whether directly or indirectly, in what took place. The power of this form of acknowledgement has been seen in many contexts, and can fundamentally alter the way that these events are accepted and understood. This helps not only to offer clarity on previously contentious matters, but also helps to cut the bitterness and anger that results from painful facts being long denied. If a sincere apology comes also with this statement of acknowledgement—recognising that apologising is a step quite a bit further than acknowledgement—then that can even better address the long-felt bitterness. There have been some steps taken in this direction in the Northern Ireland context, but this could be considerably strengthened.

There have, of course, been many official inquiries into specific events in Northern Ireland. It is already well recognised that an officially-sanctioned inquiry holds a different weight, and is perceived quite differently, than those inquiries and reports taken up by nongovernmental entities, as important as such efforts may be. It is in this context that discussions around the past, and the call for seriously addressing the past, continues, perhaps even more so since the signing of the Belfast Agreement in 1998. The question may thus be how, rather than whether, further initiatives to address the past should be taken up on an official level.

A COMPARATIVE VIEW OF POLICY OPTIONS

The idea of dealing with the past opens a question as to the range of policy options that might be considered, and how, when, and in what way they could potentially be implemented. There are of course many possible policies that should be considered. Based on experiences around the world, however, it is important to reiterate that there is no one “correct” path that should be followed, but a variety of possible options. It is also clear that each initiative to address the past may affect other policy initiatives. It is thus useful to try to maintain a comprehensive perspective in considering the timing, nature, and inter-relationship between the various policies that may be considered.

Formally addressing the past may require a variety of policy components. These may be instituted over many years, in succession or simultaneously. In some countries, some of these initiatives are thought at first not to be possible, but political realities change over time in a way that allow them to be taken up later. The range of possible approaches include, in brief:

- Judicial investigations and prosecutions of those thought to be responsible for crimes.
- The provision of reparations for victims or their family members.
- Programs to screen and remove from employment members of the security forces, civil service, judiciary, or others found to be involved in past abuse, as well as screening new applicants before they are appointed—often called vetting or lustration programs.
- The creation of memorials, special libraries, or other means to formally and publicly remember and mark important events or periods in the past.
- Official truth-seeking into a pattern of abuses over many years through a non-judicial inquiry, often done in the form of a truth commission.

Much has been written about each of these, and I will not try to summarise here the main experiences and lessons learned in each of these areas. It also seems that there has been some effort made in each of these areas in the Northern Ireland context.

Because there have been some recent expressions of interest in the idea of a truth commission for Northern Ireland by various entities and individuals, and because this may be one of the areas in most need of careful thought and exploration, I would like to comment at more depth here on this particular component. It may also be useful to note that truth inquiries, in the form of a broad inquiry into patterns of past practice and key events, can usefully help to frame a broad range of other justice and reconciliation initiatives, from prosecutions to reparations to institutional reform. Thus, it should be stressed that any consideration of non-judicial truth-seeking through a truth commission type entity should not be considered independently, but as part of a broader package of initiatives that may take shape over time. It is especially important that

a commission is not established in any way that precludes, or is perceived as somehow trying to circumvent, criminal investigations and prosecutions for past crimes. A truth commission should not limit broader justice measures, but instead facilitate or open the door to a range of further initiatives, including possible prosecutions, that will help to account for a difficult past.

TRUTH-SEEKING FOR NORTHERN IRELAND?

Experiences from other countries suggest a number of key lessons that should be considered if a truth-seeking policy were to be instituted for Northern Ireland. While there is a wide range of flexibility in many aspects of a possible truth inquiry, some fundamental lessons are clear which may have particular relevance for Northern Ireland.

First, it must be stressed that truth commissions—using their generic name—vary widely in powers, mandate, breadth and depth of investigations undertaken, the type and number of commissioners appointed, and the methodology with which they approach their investigations and engagement with the public. Because the South African Truth and Reconciliation Commission has received so much international attention, and because many of its unique elements seemed so compelling—such as the power to grant amnesty in exchange for truth—the world’s view of truth commissions has been disproportionately shaped by that commission. Further, many states have understandably resisted the notion that they should somehow “import” a model of dealing with the past that was instituted elsewhere. I believe the general understanding in Northern Ireland of the role of a truth commission has indeed been overly impacted by the South African experience. I would thus suggest that any discussion of a truth inquiry for Northern Ireland begin with the insistence of a blank slate, and with a clear conviction that any model crafted will be unique to Northern Ireland, not relying on any other country as its example. It may be important to use language which makes this intention clear. I would question, for example, whether the “truth and reconciliation commission” label would be ideal. In fact, it might be useful to begin to discuss the idea of a “commission on the past,” a “Northern Ireland special commission,” or the like, rather than a “truth commission,” with the hope of avoiding preconceptions or misconceptions based on other countries’ models. This would, one could hope, encourage people to think afresh about what sort of commission might be the most useful.

This points, in fact, to a second issue, which is perhaps the most important consideration at this stage. That is: what process should be undertaken to assess whether a broad, officially-sanctioned truth inquiry is appropriate for Northern Ireland at this time? I would urge close consideration of this question of process, but I would also suggest that some form of formal process be decided upon to allow broad consultation and reflection to take place. The elements of such a consultative process should include the participation of a broad representation of sectors of Northern Ireland society; the opportunity for different models or mandates to be proposed and reacted to; and a space for individuals—including but not limited to victims and survivors—as well as organisations, parties, religious groups, and other entities to express misgivings or doubt as well as possible support for the idea. Ideally, this process should be established with some sort of timeline clearly established; this should of course incorporate views that have already been collected by nongovernmental initiatives, but having this as an official process would change the nature of the consultation as compared to past endeavors. It is important, of course, that this process—and ultimately the establishment of any commission—is not perceived to be a politically unilateral act, which would be likely to reduce its credibility considerably. (Whether this kind of officially sanctioned consultation is ideally undertaken in the current political context of Northern Ireland is a question I leave to local expertise. If done well, however, it could still be a process with a very strong sense of local ownership and authority.)

The question of mandate—the parameters of inquiry for such a commission—raises many issues that should be the subject of such consultation. The beginning and end point of the inquiry, the kinds of acts or events that should be investigated, how long the commission should operate, and a host of other elements will help to shape the nature and impact of the exercise.

If a commission were ultimately to be established, similar preconditions of consultation should be applied to the selection of its members. There are useful examples elsewhere that may provide ideas for a creative selection process. Some countries have set up selection committees which themselves have representatives of various sectors, political parties, or other groupings; for example, each of 10, 12, or more specifically names groups, coalitions, or parties might be asked to appoint someone to the selection panel. Usually, victims groups are among those that are asked to appoint someone to the selection panel. The panel itself might then take nominations from the public, vet and interview finalists, and endeavor to come to a consensus on a group of commissioners that would be widely respected. In some cases, the group as a whole should be seen to be balanced and fair, even if specific individuals may carry their own historical perspective or political view that could be seen as biased. What is important is that the commissioners will search for the truth in an impartial and honest manner, and rigorously protect the commission’s independence from undue outside influence.

While this kind of selection panel is the most attractive approach in many contexts, there are other possible models for commissioner selection: in Guatemala, one commissioner was selected from a short list provided by a consortium of university presidents; another, an international who served as commission chair, was appointed by the United Nations Secretary-General; and the third was to be a national “of

irreproachable conduct” to be agreed by consensus between the parties to the peace accord. In Chile, President Patricio Aylwin intentionally selected eight commissioners that were split equally between those that supported and those that opposed the Pinochet regime. The success of this commission coming to a unanimous report was thus even more powerful—though this model of course carries risks, and explicitly political representation in commission membership is usually not advisable. In selecting commissioners, considerations of professional expertise and experience, gender, and other factors should of course also be considered.

The distinction of an official inquiry is found in the backing that is provided by the government. This can take the form of funding as well as open access to official documents, clear directions to civil servants or security force personnel to cooperate with the inquiry, and, if needed, measures to provide physical protection to the commission if it finds itself at risk, which has been true in a number of countries. The official nature of the commission may also allow it certain powers, such as the power of subpoena or search and seizure, and the courts may be called on to help enforce these powers. It is important that the signal is clear from the government that a serious inquiry is expected, but at the same time it must also be clear that the commission is operationally entirely independent from the government.

A commission should be considered not just a process of investigation and reporting, but equally a process of engaging the public in reflection and acceptance of what has taken place in the past. It is through public hearings that this sort of public engagement usually takes place, especially when hearings are broadcast on the radio or television, allowing a wide audience. These hearings are usually less investigative—as in a judicial or quasi-judicial commission of inquiry—and more for the purpose of hearing the voices and stories of victims. The more close questioning usually takes place behind closed doors through staff investigations, for example. Of course, careful rules of procedure should be established on aspects of due process, confidentiality, and other related areas. For example, if witnesses wish to name names of accused perpetrators, there must be consideration of the right for those named to respond, even if they may not be granted the right to question the witness directly. There is a range of past examples of how these procedural matters have been dealt with by truth commissions that could be considered in crafting any new commission’s procedures. What is important, however, is that such a public process can be extraordinarily powerful, and is worthy of the staff time, resources, and care necessary for it to be done well. That said, it is not likely that all victims or survivors would be able to speak in public if they so desired, for sheer lack of time. A representative group would have to be selected, even while all, of course, would be interviewed at much greater depth by staff in private.

FRAMING THE PAST

Finally, a word about reconciliation, which I have not yet addressed in my comments above.

Reconciliation is an important goal. Many societies frame their justice policies with this aim, understanding implicitly that a fractured society must find a way to live peacefully together, and to reduce the rancor about the past, in order to move forward to a new day.

A word of caution, however, in over-emphasising the notion of reconciliation in any manner that might imply a reduced commitment to accountability, and, therefore, which fails to respect the demands of victims as well as the state’s obligation to seek justice and truth about past crimes. This “thin” notion of reconciliation is of course only minimally desirable, unlikely to be sustained over time. While political arrangements that cease violent conflict can be an important step in any peace process, any society should take care not to institutionalise impunity or silence about past crimes in the name of a seemingly more comfortable initial peace. Ironically, a deeper peace is likely to result from a more painful, and potentially more fractious, process of confronting the most difficult truths of the past. It is in opening up for broad discussion and acknowledgement those things that have been previously denied that the bitterness of the past can be lessened. There is no guarantee that peering into these truths will not spark anger and pain, and in some country contexts outright conflict may even be threatened if the process is not handled well. However, the majority of societies in recent years have concluded that an honest peace—and ultimately, as a by product, a deeper form of reconciliation—is best earned through such an honest accounting.

Of course, I would presume that this is the very premise of the Committee’s inquiry on the subject of dealing with Northern Ireland’s past. It is only because the notion of “reconciliation” has been misused (or just misunderstood) in a number of places around the world, and because it can carry so many different meanings to different people, that I offer this small word of caution here.

Please allow me to commend the Committee for the decision to undertake this inquiry, and express my appreciation for the invitation to make a submission. I would be very glad to provide any further information on these matters in the future.

5 January 2005

APPENDIX 39

Memorandum submitted by the Most Rev Séan Brady, Archbishop of Armagh and Primate of All Ireland

INTRODUCTION

I welcome this opportunity to make a brief contribution to the Inquiry on “Reconciliation: Ways of Dealing with Northern Ireland’s Past” being conducted by the Northern Ireland Select Affairs Committee.

As the Inquiry itself notes, discussion on this important and complex matter has intensified in recent months following the Secretary of State’s announcement in May 2004 that he was embarking on a programme of discussions about how Northern Ireland could find “ways of dealing with the past” which “enable it to build a better future for the next generation.”

This is a welcome objective and addresses a theme that has been part of an ongoing conversation between representatives of the various Christian traditions in Northern Ireland for some time. My own comments and observations are informed by that conversation and by the research and observations of the Northern Ireland Catholic Commission on Social Affairs, the group which provides advice and research to the Catholic Bishops of Northern Ireland on social issues.

THE GOSPEL OF RECONCILIATION

The point of departure for the Church’s response to the question of dealing with Northern Ireland’s violent past, is its belief in the death and resurrection of Jesus, the possibility that God can heal and transform even the most violent and painful of human events and bring out of their midst a new beginning, a new creation. This healing and transformation was central to the ministry of Jesus. He came to bring “liberty to the captives” and “freedom to the oppressed” (Lk 4:16). This included liberating people from the captivity of fear, regret, desire for retribution and vengeance that are often part of the legacy of violence and conflict. It was about restoring broken relationships, breaking down barriers and opening up new horizons of both conversion and forgiveness. It involved creating safe and understanding spaces for those who are “weary and overburdened”, including the marginalised and the vulnerable. It was both personal and collective, addressing the individual and the historical memory of the community.

The Church continues this healing and transforming ministry in many ways, from the sacramental and pastoral support it provides to individuals and families who are experiencing trauma and grief, to its development of and involvement in a wide variety of local community initiatives which support the work of healing and reconciliation in local communities, sometimes in partnership with other community, voluntary or statutory agencies.

RECOGNISING EXISTING INITIATIVES

This existing work of the Churches and of voluntary and community groups at a local level, both within communities and across traditional community boundaries, has had, and continues to have, an important though often quiet and unpublicised impact on the healing and reconciling of individuals, groups and communities in some of the most difficult interface areas in Northern Ireland.

These local, sometimes informal processes have the benefit of localised participation and ownership, familiarity with the individual or groups concerned, as well as their history and environment, and the durability to be able to ensure ongoing support.

In considering “ways of dealing with the past which recognises the pain, grief and anger associated with it”, it seems important and just that the existing work of the Churches and faith communities, as well as other community and voluntary groups, is recognised, supported and extended, in addition to any more formal and public process which may emerge.

GENERAL PRINCIPLES

The experience of those working on such healing and reconciliation projects at a local level would suggest a number of general principles that are important in this kind of transformative process:

(a) *Respect for the uniqueness of the experience of every individual, including the manner in which they cope with and define their grief and pain*

This suggests that there is no “one size fits all” approach to the complex issue of dealing with past in Northern Ireland. Some of the “pain, grief and anger” associated with the past is personal, some of it is owned by communities, some of it is recent, some of it is historical, some of it profound in its scale and tragedy, some of it transient and relatively superficial. This means that a comprehensive approach to dealing with the past will inevitably be multi-layered, involving a range of related strategies and approaches at both the macro-political level, at the level of local communities and at the personal level.

It is likely therefore that different elements of processes already undertaken across the world will be necessary to address the complexity of the needs and expectations that exist in Northern Ireland. There is no existing model which can be easily translated to our particular circumstances. Some people will want to participate, others will not. Some will benefit from telling their story, having their pain heard and acknowledged, others will want to uncover previously unknown aspects of the truth. Some will want vengeance, retribution or imprisonment, others will want exoneration and amnesty. Any macro process which is proposed would have to address all of these needs and expectations.

It may be that some, rather than all of these expectations can be met. It may be that some of these processes, such as recording one's story or remembering painful events in a formal and constructive way could happen in advance of or independently from any larger scale process requiring political and legislative support.

All of this suggests that an important starting point in any such initiative is a comprehensive assessment of both the demand for and the range of personal, emotional, therapeutic and other needs which would be associated with any such process.

(b) The potential for politicisation should be minimised

This, I would suggest, is critical. The need for truth telling and reconciliation needs to be weighed against the need to achieve and maintain wide spread political agreement in Northern Ireland. Unless such agreement has been achieved and the stability of agreed political arrangements has become sufficiently robust, there is a real danger that dealing with the past in a very public and formal way will destabilise the political environment and further undermine the very possibility of achieving reconciliation.

This suggests that achieving political agreement and allowing the political institutions which emerge from that agreement sufficient time to stabilise is a prerequisite for any comprehensive and formal approach to dealing with the past. It is not clear that Northern Ireland has reached that point. It also suggests that people need to have the certainty that what they have experienced in the past will not occur again in the future, that violence and the threat of violence, from whatever quarter, has been clearly rejected as a means of achieving political ends. Again, it is not clear that Northern Ireland has reached that point.

The principle of respect for the uniqueness of the experience of every individual also tends to favour a process which emphasizes the private mediated, or small group type of process rather than one which is very formal and public. A more private process would minimise the possibility of such a process, and the individuals who participate in it, being exploited for political or other ends. Such politicisation would quickly undermine the integrity and effectiveness of such a process, yet will be hard to avoid unless the two Governments, the political parties and the relevant paramilitary groups have expressed a level of agreement about and public commitment to the process itself and to the rules that will govern it. Achieving such consensus and obtaining clarity about the extent to which each party to the conflict in Northern Ireland will participate in the process, and on what terms, would be an important part of assessing whether such a process is possible at all.

In this regard it is interesting to note that there have been over twenty "Truth and Reconciliation" processes undertaken across the world in recent times, most of which seem to have achieved significant but always limited success. Each of them has encountered some form of difficulty along the way, not least that of raising expectations that the process was not always able to meet. It is also interesting to note that in the South African TRC process almost ninety percent of the hearings took place in private.

(c) Those who feel the need to be healed from the consequences of the past, determine who they are, not others

This touches on one of the most sensitive aspects of any process of dealing with the past, the issue of who is a victim and who is a perpetrator. In the context of a historical conflict, this distinction can sometimes be very straightforward, at other times very complex. Some people have clearly perpetrated the most heinous crimes for which there is no conceivable justification, others reacted violently out of their own experience of being a victim, and most, including Churches and State based agencies, were caught up to varying degrees in the competing ideologies of the conflict. This means that any process of dealing effectively with the past needs to be sufficiently flexible as to allow for the complexity of the relationship between victim and perpetrator in a historic conflict, between a divided community, to be accommodated.

This is not to suggest that there is moral equivalence in terms of the culpability of all of those involved in such a process. Indeed, one of the potential abuses of such a process would be for those who bear responsibility for what by any standards were morally unacceptable actions, to be allowed to use the process as a means of minimising the moral significance of what they have done. Rather, it is likely that, in the interests of establishing the truth about what has happened and why, the issue of the relative moral culpability of the participants will not be the primary issue. While accepting responsibility is important, and needs to be considered in terms of the legal parameters which will condition and support such a process, the emphasis will be on moving beyond retributive justice to the broader and deeper processes of healing, restoration, truth telling and transformation.

Any such process also needs to be flexible enough to accept that many of those who perpetrated atrocities in the past, continue to be burdened by that past and wish to address it in a constructive and transforming way. Such acknowledgement and transformation, if undertaken sincerely and with the necessary commitments to a peaceful and constructive participation in the future, will clearly benefit the whole of our society.

OTHER CONSIDERATIONS

Other complex but important considerations in any such process would include:

- How such a process will relate to existing or potential policing, judicial and public enquiries which seek to address issues from the past? Over 1,800 killings and an even higher number of violent incidents resulting in injury and loss remain unsolved. The fact that there is never likely to be sufficient policing or other resources to address all of these aspects of the past is a strong argument in favour of a process of voluntary disclosure rather than criminal investigation. This in turn raises the complex question of incentive, what can and should be offered to those who volunteer to disclose incriminating information in the course of such a process? On the other hand, if the perception of such a process is that it becomes a means of obfuscating or postponing other more rigorous and effective means of arriving at the truth, then it is unlikely to receive widespread support.
- Closely related to this is the issue of confidence in the willingness of individuals and organisations, including paramilitary groups and state-based agencies, to participate fully in such a process and to disclose accurately and as fully as possible all the information they have available. On the one hand, this may require the use of strong incentives to encourage individuals to participate, incentives which may cause further offence and pain to the victims of their actions. On the other hand, the experience of participation in public inquiries in Northern Ireland to date has been very mixed. It seems fair to suggest that there is a general lack of confidence that all those who need to participate fully and frankly in such a process are likely to do so. In this context the question which needs to be considered is whether even partial disclosure of the truth and an imperfect process is better than no process at all?
- Political commitment to providing the resources required to sustain such a process is also important. If it is to be effective it will inevitably require the application of a wide range of specialised administrative, legal, therapeutic and other resources over a considerable period of time. This has to be weighed against the realistic outcomes of such a process, in as far as these can be anticipated. While disclosure of the truth is a high priority and no price can be put on its discovery, in real terms resources are rarely unlimited and often compete with other important demands. In this context, while finance should not in any sense be the primary consideration, the shape, form and limits of such a process might be determined to a degree by the implications for resources. It may be important to cost certain approaches and make these costs known to the general public in advance of a final decision being taken about the model to be followed.
- It is unclear what, if any, remedies such a process could produce. Would it include, for example, compensation, a declaration of rights infringed, a recommendation for future statutory reform and safeguards, referencing for counselling and therapy and so on? Who will decide is to decide on the range of remedies to be offered and who will provide them? What are the legal implications, notably in terms of human rights legislation in favour of the right to an “effective remedy” (European Convention on Human Rights & Fundamental Freedoms, 1950, Art 13).

THE ROLE OF CHURCHES AND FAITH COMMUNITIES

Churches and faith communities clearly have a role to play in helping Northern Ireland deal constructively with its past. As mentioned at the beginning, much of the work of the Churches at local level is already directed towards this end. Those who minister in Churches and faith communities also have considerable pastoral experience of journeying with people through the pain of loss and grief. Churches can create safe and constructive spaces for people to tell their story and receive spiritual and emotional support. They can provide prayer and ritual for both individuals and communities, for collective, constructive and transformative remembering. They can support the process of healing with the vocabulary and experience of the Gospel in terms of forgiveness, reconciliation, love of enemy and going the extra mile. They can offer prayer for discernment, wisdom and guidance about dealing with the personal and collective dimensions of the past, for letting go of the anger and pain which can hold us captive. In the context of a stable political arrangement and the absence of the threat of violence, it may be that the Churches and faith communities could contribute to dealing with the past by organising prayerful and transformative memorial events such as those currently associated with the holocaust or other tragic historic events.

The media also have an important role in this regard. Carefully constructed programmes which provide opportunities for people to tell their story and have it acknowledged publicly, such as the Legacy series recently on the BBC, can have a significant healing impact.

CONCLUSION: AN INDEPENDENT INTERNATIONAL COMMISSION

By far the most consistent view expressed by those I have consulted on this matter, was the need to hand over the whole process of assessing the desire for dealing with the past in Northern Ireland and making recommendations for the structure and form of such a process, to an independent commission with expertise across a range of related disciplines and a mix of local and international membership, at the earliest possible stage. While current initiatives and consultation are important and welcome, a process which does not have this level of independence and broad political agreement between the two governments and the main political parties in Northern Ireland, is unlikely to receive widespread support and is therefore unlikely to be effective.

While not intended to be exhaustive, I hope these comments have been of some assistance in this timely and important inquiry being undertaken by the Northern Ireland Select Committee has undertaken and for which I offer my continued best wishes and support.

December 2004

APPENDIX 40

Memorandum submitted by the Centre for Contemporary Christianity in Ireland

The Centre for Contemporary Christianity in Ireland is a ministry of ECONI (Evangelical Contribution on Northern Ireland), an organisation that has for 15 years called on Christians to demonstrate what difference our faith makes to our political priorities in a divided community. We continue to promote the application of biblical values to living as followers of Jesus in a still divided, yet changing, society. Christians cannot avoid the task of addressing sectarian prejudice built up over generations. In our community and in our churches we are challenged to love both enemy and neighbour.

We aim to equip Christians, particularly Evangelicals, to biblically address community division and conflict and to play their part in the long-term task of peace-building and reconciliation. We seek to develop understanding, nurture skills and support creative and relevant engagement with the profound challenges that face divided and changing communities.

We fully support the aim of finding “ways of dealing with the past which recognises the pain, grief and anger associated with it” and which enables Northern Ireland “to build a better future for the next generation”.

We appreciate the opportunity to contribute to this consultation and feel that our research and experience can add value and insight as the Northern Ireland Affairs Committee, the Government, and indeed the people of Northern Ireland seek to deal with Northern Ireland’s past.

RECONCILIATION

A significant issue facing any jurisdiction that seeks to deal with its past is developing a clear understanding of what reconciliation is, what it involves and the implications for those who participate. This word is used in different spheres and conjures up in people’s minds different meanings and expectations. If reconciliation is to be promoted, it is vital that the people of Northern Ireland know exactly what is involved and what can be expected as an outcome. Great damage can be done by “mis-selling” reconciliation and creating high hopes that are not realised. It is clear from South Africa that even when some kind of national reconciliation has been achieved, many individuals do not feel personally reconciled.¹⁰² As we consider ways to reckon with our past, the limitations and complexity of potential outcomes must be made clear.

Therefore, our intentions are to define what we understand full and true reconciliation to involve; to convey our perception of the current reality in Northern Ireland and how this limits such reconciliation; and to consider the implications this has for both the Government and Churches in the ways in which we deal with the past.

¹⁰² Examples of this are cited in ECONI publications. See Hauerwas, Stanley, *A Time to Heal*, Pathways series ECONI 1999, pp 30-31, and Thomson, Alwyn, *Forgiveness, truth and memory*, Forgiveness Paper 8, Centre for Contemporary Christianity in Ireland 2002, p.9.

Defining Reconciliation

Christian tradition understands reconciliation to be both a process and an outcome, first and foremost between God and humans, but also between human persons and groups.

The outcome of reconciliation

As an outcome reconciliation is the place where “Truth and mercy will meet; justice and peace will kiss each other” (Psalm 85:10).

True reconciliation gives account of truth and shows mercy to those who are sorry for the wrong they have done. At the same time it demonstrates justice and leads to peace between the reconciled parties. For the Christian these are all elements that Jesus brought together when he died on the cross, and which will be fully realised at the end of time.

This all lends itself to a very high view of reconciliation. We believe such an outcome is an honourable goal in human relationships, and yet at the same time we are convinced that true and full reconciliation is beyond human ability and made possible only by the grace of God. This is no blind theological commitment, but is consistent with the history and experience of human relationships and attempts at reconciliation. We hope to highlight this as we consider the reality of Northern Ireland.

The process of reconciliation

The outcome of reconciliation cannot be separated from the process by which it is achieved. Reflection on the person and work of Jesus Christ provides a rich and nuanced insight into reconciliation and its costs.

Incarnation

We understand the incarnation (God becoming man) to be profoundly humbling, self-giving experience where one with power made himself wholly vulnerable to the group with which he wished to be reconciled. We see someone looking to convey his trustworthiness to a group unwilling to trust him; giving up his rightful identity with the “other side”. Reconciliation cannot happen unless reconciled parties are voluntarily willing to make bold moves that are trusting, self-denying and other-embracing.

Sacrifice

The sacrifice of Jesus is central to reconciliation between God and man. Sacrifice is the giving up of something held dear to achieve a desired end. For all those who wish to achieve reconciliation, some sort of sacrifice will have to be made. Reconciliation is not painless or easy.

Redemption

Redemption combines the concepts of buying back and freedom from captivity. In terms of the first, redemption underscores the value of the other party in reconciliation. We buy something back, we redeem it because of the value we place on it. If reconciliation is going to go ahead, those involved must be convinced of the value of what they are redeeming. People must be convinced that the sacrifices they are going to make are worth the reconciliation that will be achieved.

In terms of freedom, true reconciliation is total liberation from the constraints of past evil. Reconciliation can only be said to have happened when none are compelled to return to old ways, nor have lives which are still controlled by past events.

Repentance

Full reconciliation must involve repentance. Repentance is more than words. It is more than full disclosure. It is more than regret or remorse. It is saying sorry for past wrongs, an action that has full power to transform post-conflict situations¹⁰³. But it is even more than that. It is turning from those old ways of acting to new and agreeable ways. Repentance involves a clear admission of guilt and a turnaround of behaviour. Reconciliation is not whole without repentance.

¹⁰³ Shriver Jr, Donald, *An Ethic for Enemies: Forgiveness in Politics*, OUP 1005.

Forgiveness

For people to be truly reconciled, there must be forgiveness. Forgiveness is not conditional on repentance, but full reconciliation cannot occur without both repentance and forgiveness. Forgiveness means ceasing to feel resentment against the offender, opening the potential of establishing a new, trusting relationship together¹⁰⁴.

Hopefully this brief overview gives some indication of the understanding and definition we have of reconciliation, and begins to root it into what we would expect true reconciliation to demonstrate and achieve.

Such reconciliation is only made real by God in his relationship with humans. We do not view humans as bereft of all good and unable to make any headway towards full reconciliation. However, we are realistic in our view of humanity and of our situation here in Northern Ireland, as is evidenced in the following section. We are not optimistic that human initiatives alone can achieve such a full reconciliation in Northern Ireland or anywhere else. We believe only God can bring about full reconciliation through Jesus Christ. Human attempts will at best approximate true reconciliation, inevitably falling short.

Nevertheless, we still believe that even piecemeal reconciliation is worth pursuing and brings real benefits to broken communities. Our comments and reservations are not given because we reject any notion of human reconciliation or because we are angry that processes are not more “Christian”. Rather, as stated earlier, we are concerned only to avoid people being mis-sold a reconciliation process which promises far more than it can achieve and leaves the citizens of Northern Ireland suffering greater hurt and disappointed hopes.

THE CURRENT REALITY OF NORTHERN IRELAND’S PAST

The following sections are intended to convey our perception of the current reality in terms of understanding and dealing with the past in Northern Ireland. They highlight the difficulty we see in the people of Northern Ireland following a process of full reconciliation, as outlined above. Although this seeks to stem over optimism about what can be achieved, we do also wish to acknowledge the progress which might be made by a political reconciliation process.

A word on forgetting

One way that people have tried to deal with the past is by forgetting it. This reflects the approach taken in Mozambique, where no formal mechanism for reconciliation has been brought about, and instead people seem to be of the conviction that the price to pay for peace is to forget. The appropriateness of this in Mozambique may be due to a strong sense of community and shared history, something we will shortly discuss.¹⁰⁵

However, the people of Northern Ireland seem far from willing to forget their past. Instead their desire is to “keep faith with the dead”. It is their histories that form their identities and culture. It seems impossible to forget events that some see as atrocities demanding redress and others see as defining moments in which they are as a people. How can identity be maintained when the past is forgotten? Instead it seems that Northern Ireland must deal with the past rather than forget it.

Shared history?

The reality is that the people of Northern Ireland do not consider themselves to share a single past. There is no one, united history that could be supported by all citizens. Instead there are different understandings of history, different interpretations of what happened. It will be a long time, if ever, before there could ever be a shared understanding of the past, and a subject of much debate as to who defines it.

This in itself makes reconciliation a tenuous word and concept at the moment. For reconciliation implies the bringing back together of what was once united and then separated. Currently there seems to be little or nothing that the people of Northern Ireland believe unites them in the past. And so the reconciliation that brings a shared future is hamstrung by the current lack of a shared past.

¹⁰⁴ ECONI and the Centre for Contemporary Christianity in Ireland have produced several in-depth studies on the nature of forgiveness and healing, including *A Time to Heal, Forgiveness: Making a World of Difference* and *Embodying Forgiveness*, as well as a series of Forgiveness papers. Details of all these are in the bibliography.

¹⁰⁵ Thomson, Alwyn, *Forgiveness, truth and memory*, Forgiveness Paper 8, Centre for Contemporary Christianity in Ireland 2002, p. 7.

Nevertheless, this does not negate a process which shares truth and enables people to tell their stories. It just sets some realistic limits on what will be achieved by such a process at this stage, in terms of the past. Truth-telling can at least start to construct a “highest common denominator” approach to shared history, and factual truth can, as Ignatieff says, serve “to narrow the range of permissible lies”¹⁰⁶ Even at this stage, communities can begin to respect the integrity of those who hold a different view of history from their own, and refrain from rewriting history in a way that flatters them.¹⁰⁷

Shared truth?

In talking about truth-telling, however, we must be careful to understand that there are different understandings of truth. Truth is not neutral or abstract, but is interpreted and presented through the convictions and values of those telling it. Like history, the people of Northern Ireland have little common understanding of “truth”, and indeed its religious connotations means it plays an even more contentious role in society here.

As stated earlier, even the recounting of factual truth, should it be accepted as such, is not repentance, nor does it qualify as regret or remorse. It might even be questioned as to whether the stipulation for full disclosure only in South Africa, with no admission of guilt, qualifies as true restorative justice. Certainly, without the long sought for apologies that few seem willing to give, there will be no full reconciliation in Northern Ireland.

While we believe that truth-telling can be redemptive and that truth sets people free, we are also concerned that the exposure and potential mishandling of facts could also be explosive, destabilizing, create deeper wounds, and lead to revenge. This risk remains because there is little shared commitment to the disclosure of truth.

Shared commitment?

We highlighted earlier that for full reconciliation to take place all must prize its value and find it liberating. But It is not clear that the people of Northern Ireland currently prize the value of truth-telling, or share a common understanding as to why truth should be aired. Will it bring healing? Will there be amnesty? Is it to bring about justice? Or vindication? Will it set some free whilst condemning others to live on with the constraints of the past? Is there a greater purpose to hearing the truth, or will it merely be for the truth's sake alone? Is it to create an official history, and if so, which office is in charge of bringing that together?

We noted earlier that the outcome of reconciliation involves both justice and mercy. This means that injustice must be dealt with, and yet grace must be shown. Both must be held together. When justice alone is propounded, the chances of full disclosure are minimised and the burden on the judicial system becomes great as evidenced in Rwanda.¹⁰⁸ When amnesty is the sole strategy, people are more willing to tell the truth, but victims are unable to see justice for the crimes committed against them. And in a context where political prisoners have already been set free without a condition of disclosure, the offer of amnesty provides little enticement towards telling the truth. The resolution must also deal with the fact that while some, comparing themselves to the violent perpetrators, hold that “not all are guilty”, others will maintain that “no one has clean hands”. In other words, how do we keep a genuine sense of communal complicity without glossing over substantive differences with regard to severity and wilful participation?

Shared trust?

We believe the unwillingness to commit to such a vulnerable process stems from a lack of shared trust. The people of Northern Ireland maintain too great a level of suspicion as to the motivation of the organiser of and participators in a truth-telling exercise for it to be sufficiently credible. The communities are not willing to make themselves vulnerable to the other side. They are uncertain of how truth will be used and handled. There is currently no willing party involved in Northern Ireland, and insufficient relational stability, to provide a substantial identification with the “other” and a trustworthy context in which people feel free to disclose. In reality, the popular contrasts with South Africa actually highlight the dissimilarity; there is not yet the political resolution here that there was there, nor is there an established authority under whom people are willing to be humble and open.¹⁰⁹

¹⁰⁶ Michael Ignatieff, cited in Thomson, Alwyn, *Forgiveness, truth and memory*, Forgiveness Paper 8, Centre for Contemporary Christianity in Ireland 2002, p.4.

¹⁰⁷ Eshtain, J “Politics and Forgiveness” in *Burying the Past* (ed Biggar, N), Georgetown University Press, 2003 and McCaughey, T, “Northern Ireland: Burying the Hatchet, not the Past” in *Burying the Past* (ed Biggar, N), Georgetown University Press, 2003.

¹⁰⁸ Hamber, Brandon, “Truth and Reconciliation—lessons from abroad” in Corrymeela Connections October 2004 (Vol 5 No 1).

¹⁰⁹ cf Boraine, Alex, *All Truth is Bitter*, NIACRO & VSNI 1999 p 22.

Limited conclusions

All of this serves to demonstrate both the limits and cautions concerning quick establishment of a reconciliation process.

However, we again stress that this does not mean that nothing should be done for fear of not meeting the ideal. The fate of the former Yugoslavia is testimony to the fact that time does not heal all wounds. But there should also be right timing for dealing with the past and recognition that it is slow, painstaking and, ultimately, not a completely satisfactory process. Shriver underscores the importance of timing in his recounting of the movements to bring greater reconciliation between Japan and the US, which demonstrates that healing cannot be rushed when fresh wounds abound.¹¹⁰

Truth-telling and memorial events can have some worth and value, but there is no reason to believe there will be full disclosure. And without repentance there is no reason to believe there will be forgiveness. Taking inspiration from Brandon Hamber, the most we can hope for are “patchwork quilts” of truth, repentance and forgiveness.¹¹¹ While this remains a limited good that falls short of full reconciliation, it can ease some broken relationships and foster a greater sense of unity and peace.

Implications for Government

We appreciate the desire for political stability and economic prosperity. To a great extent, we share these aspirations. We also are concerned that government and all parties do their utmost to establish a political settlement that engenders trust amongst the people, which, in turn, will lead to greater potential for a process of reconciliation.

However, quick solutions motivated by these concerns, that are without widespread support and trust, while potentially bringing partial reconciliation, will not stop others who remain aggrieved from burdening the judicial system to obtain justice. Such measures will not bring about anything amounting to full reconciliation and must not in any way be advertised as such.

We appreciate certain benefits in suggested ventures, such as the telling and collecting of stories, a day of reflection, a living memorial museum and public acknowledgement of responsibility by various organisations and institutions.¹¹² These provide designated places for truth to be expressed, history to be shared and apologies to be offered and accepted. There is “healing” potential for all those who participate and commit to such schemes.

Nevertheless, the proper concern of the churches is to help people know and experience full reconciliation through Jesus Christ. The implication of this for the government is that while churches can play a large part in encouraging political methods of reconciliation, by and large they will not advocate as true reconciliation anything that falls short of this high biblical view, and will be honest in pointing out the limitations of this worthwhile project of human reconciliation.

Implications for Churches

Churches should maintain their gospel witness to the full and lasting reconciliation of Jesus Christ. The Church does not exist to help run the world more smoothly or as a supportive institution for the state government. It is there to show the world what it should be through Jesus Christ.

This is not to say that the Church should not contribute to society—quite the opposite. But the credibility and mandate of the church does not rely on it being able to deliver the unrealistic expectations of paradise on earth on the terms set by society.¹¹³ The Church’s great vision is of the new creation that God will bring about.

So churches in Northern Ireland should not let themselves be flattered about their social importance and significance such that they are used for political ends. But as the conveyors of the message of true reconciliation, the church needs to be at the forefront of modelling it in society.

Churches could consider modelling a truth-telling process so that if and when the time is right for a process to begin in the community there is a local model already operating on a micro scale which can be replicated in the macro setting. “Truth” needs to be spoken publicly between the churches about the nature of their relationships and ongoing contribution to the divisions of Northern Ireland which in the telling would model the kind of truth-telling to be encouraged in the community. the hurt over mixed marriages, education, flags, emblems and many other issues could be discussed and documented publicly in a repentant forgiving spirit to model the vision for the wider community. Churches must model the humility, sacrifice, repentance, forgiveness, passion for justice and gracious mercy that they set as the ideal of reconciliation.

¹¹⁰ Shriver Jr., Donald, *An Ethic for Enemies: Forgiveness in Politics*, OUP 1995.

¹¹¹ Brandon Hamber cited in Thomson, Alwyn, *Forgiveness, truth and memory*, Forgiveness Paper 8, Centre for Contemporary Christianity in Ireland 2002, p9.

¹¹² cf *The Report of the Healing through Remembering Project*, 2002.

¹¹³ cf. Hauerwas, Stanley and Willimon, William, *Resident Aliens*, Abingdon Press 1989 p 43-48.

Finally, the necessity of “keeping faith with the dead” will shape much of the motivation, expectation and co-operation in any future truth-telling exercise within this community. This will be the case whether the dead is victim or perpetrator, civilian or combatant. In a context of violent conflict the pursuit of truth and justice and calls to remembrance are inextricably linked with the need to keep faith with the dead. The Church’s overriding vocation is, however, to keep faith with the living Christ who in death showed us the truth about love, grace and redemptive power.

APPENDIX 41

Memorandum submitted by the Families of the Disappeared

Throughout the history of the troubles many individuals have been killed and many families and communities have struggled with the aftermath. One area which has been particularly difficult is the issue of the disappeared. Abducted, murdered and secretly buried, their families have struggled with the pain and trauma of bereavement in addition to the agony of not knowing where their loved one are buried and why and how they were taken. In addition the community has often been silent concerning these cases, with an underlying fear of the consequences of speaking out.

There are 17 known cases of individuals who are suspected of having been murdered and secretly buried. Of these 17, nine were named by the IRA in the spring of 1999 as having been murdered by members of their organisation and their bodies hidden across a number of areas in the south. The INLA claimed one death that of Seamus Ruddy buried in a forest near Rouen in France. The remaining are unclaimed, however the families contend that given the circumstances and response following the disappearances, members of the Provisional IRA were responsible or at the very least can shed light on the fate of their loved ones.

In May 1999 legislation was passed which facilitated information to be passed through an intermediary, this led to the identification of six burial sites. Extensive digs were conducted and in only one of the sites were the remains of Brian McKinney and John McClory found. For the rest there was inevitable disappointment that there would be no closure and expectations were dashed. A complete list of the disappeared including those found is included in Annex 1.

There have been three other bodies recovered, Eugene Simons in 1984, Eamon Molloy in June 1999 and Jean McConville in August 2003.

Given the circumstances of many of the cases, the families have been left isolated and vulnerable. It is only in recent years that they have begun to meet together. These relationships have been fostered through a yearly remembrance mass which is held on Palm Sunday in St Patrick’s School, Armagh. Archbishop Brady in the main presides at this service which has brought immense comfort to those who continue to struggle with the pain and grief of loss in addition to the lack of knowledge of the final resting place of their loved one. In addition a series of meetings with political parties, Special Envoys and other special events has also facilitated the families to build connections to each other.

There are a number of issues which are important for this group:

1. The current priority given to the disappeared. The families have seen periodic attention focused on the disappeared; however a central concern is the priority of this issue in political negotiations.
2. Current progress and role of the Commissions (ers) for the Disappeared. While these Bodies have received information, they have no role in developing or working on other ways to get information. Given the silence which still exists in some areas, other methods by which information can be obtained is required. The families would be keen for these Bodies to have a more proactive role.
3. Specialist equipment and searching methods from other counties going through similar processes are needed. At present the sites identified are in the south therefore this issue rests more with the southern authorities.
4. Documentation of sites—archiving of information concerning the areas excavated. Again this issue rests with the southern authorities, given the location of the sites.
5. The lack of death certificates for those deceased. The families who have loved ones still missing are unable to get death certificates and therefore their affairs remain open.
6. Contacts for the families in areas where their loved ones are reportedly located for example with the French Authorities.
7. Prevalent silence which still exists and the need for exploration into ways this can be broken.

THE DISAPPEARED

1972—Seamus Wright from West Belfast, disappeared with Kevin McKee on 2 October. Both men were allegedly kidnapped and taken to south Armagh where they are believed to have been murdered. Search conducted in Southern Ireland. Body not recovered.

1972—Kevin McKee from West Belfast, disappeared with Seamus Wright, on 2 October. Both men were allegedly kidnapped and taken to south Armagh where they were believed to have been murdered. Search conducted in Southern Ireland. Body not recovered.

1972—Jean McConville (37 yrs)—taken from her Divis home on 7 December and never seen again. Widowed mother of 10 children. Search conducted at Templetown Beach, Co Louth from May–July 1999. Body recovered 27 August 2003 at Shellinghill Beach, Co Louth.

1974—John McIlroy from Andersonstown, Belfast disappeared on his way to work and has never been seen again. Location of body unknown.

1974—Seamus Wright from Andersonstown, Belfast disappeared with John McIlroy and has never been seen again. Location of body unknown.

1975—Eamon Molloy Disappeared on 1 July. Abducted and killed. Body located on 28 May 1999 in a coffin at the Old Faughart Graveyard four miles outside Dandily.

1977—Columba McVeigh (17 yrs) from Dungannon was abducted and was reputedly murdered. Search conducted in Monaghan border area—body never recovered.

1977—Robert Nairac disappeared from a south Armagh pub and was reputedly murdered and secretly buried. Location of body unknown.

1978—Brendan Megraw, from Twinbrook, Belfast was kidnapped on 8 April from his home and has never been seen again. Search conducted in Navan area—body never recovered.

1978—John McClory (18 yrs) was kidnapped on 25 May. Body found June 1999 along with Brian McKinney at Colgagh, Iniskeen, Co Monaghan.

1978—Brian McKinney (22 yrs) was taken from his work on 25 May. John McClory had been kidnapped an hour earlier. Both men were murdered. Body located June 1999 along with John McClory at Colgagh, Iniskeen, Co Monaghan.

1979—Gerard Evans from Crossmaglen disappeared on his way home on 27 March. He was last seen on the roadside outside Castleblaney trying to hitch a lift back home. Location of body unknown.

1981—Eugene Simons disappeared from his Castlewellan home on 1 January when he went with “friends” to buy milk and potatoes. His body was recovered by accident three years later on 24 May 1984 in a bog in Dundalk.

1981—Danny McIlhone disappeared from his West Belfast home during 1981. Little is known about his disappearance. Search conducted in Wicklow Hills near Blessington, Co Wicklow from May to July 1989. Body never recovered.

1981—Charlie Armstrong disappeared on his way to Mass on 15 August. He has never been seen again. Search conducted in May 2002 at Iniskeen, Co Monaghan. Further searches have been conducted. Body not recovered.

1985—Seamus Ruddy disappeared in Paris on 9 May. His body has never been recovered despite a limited search being conducted in 1999 at a forest near Rouen.

2003—Gareth O’Connor disappeared on his way to Dundalk on 11 May. He has never been seen again.

APPENDIX 42

Memorandum submitted by the Northern Ireland Memorial Fund

The Northern Ireland Memorial Fund is an independent charity that seeks to promote peace and reconciliation by ensuring that those who have suffered as a result of the ‘Troubles’ in Northern Ireland are remembered, by providing them with help and support in a practical and meaningful way.

1. BACKGROUND

The British Government

On 24 October 1997 the then Secretary of State for Northern Ireland, Dr Marjorie Mowlam MP, established a commission “to look at possible ways to recognise the pain and suffering felt by victims of violence arising from the troubles of the last 30 years, including those who have died or been injured in service of the community”. On 19 November 1997 she wrote to Sir Kenneth Bloomfield with the following terms of reference: “to lead the commission and to examine the feasibility of providing greater recognition for those who have become victims in the last 30 years as a consequence of events in Northern Ireland, recognising that those events have also had appalling repercussions for many people not living in Northern Ireland”. Sir Kenneth published his report entitled *We Will Remember Them* in May 1998. His report contained 20 recommendations, focused on ways of acknowledging and addressing the needs of those who had become victims.

The Secretary of State accepted the recommendations in Sir Kenneth’s report and appointed the Right Honourable Adam Ingram JP MP as Minister for Victims. In June 1998 the newly appointed Minister for Victims set up the Victims Liaison Unit to begin the process of implementing the recommendations in Sir Kenneth’s report. One of those recommendations was related to the creation of a fund to assist, in particular, children and young people affected by the death or injury of a parent. It became apparent—following consultations with many victims and survivors—that such a fund should cover the wider needs of victims and survivors, and be a living memorial to those who have suffered and continue to suffer. Hence the Minister implemented this recommendation and established a Memorial Fund that would address a wide range of the problems faced by many victims and survivors.

The Minister approached fourteen individuals to independently administer the Northern Ireland Memorial Fund. The Fund was registered a company limited by guarantee (NI 36167) and awarded charitable status by the Inland Revenue on 18 May 1999 (Ref XR31751). The Government made an initial contribution of £1 million to start the Fund, and has since contributed a further £5.3 million.

The Northern Ireland Assembly

The Northern Ireland Executive has also recognised that “among the most vulnerable individuals in society are the victims of our prolonged conflict, along with those who care for them and the relatives of all victims, whether surviving or dead”. In its Programme for Government, the Executive has stated that “in seeking to create a new future, and as an important part of addressing, human rights, it is important that special attention is paid to the needs of those who have been most directly affected by the violence of the last 30 years. The needs of victims and survivors are complex, ranging from coping with serious injury through to physical and emotional trauma, along with dealing with often adverse economic to circumstances.” This commitment and the resulting plan of action incorporated in the Programme for Government was co-ordinated by the Victims Unit located in the Office of the First Minister and Deputy First Minister (OFM/DFM). Following very positive discussions between the Fund and OFM/DFM on how the Fund might assist and complement the Programme of Government, they allocated approximately £700,000 over a three year period.

Republic of Ireland Government

The Taoiseach made a commitment back in 1999 when the Northern Ireland Memorial Fund was first established that the Irish Government recognised the important role of the NIMF and would be making a substantial financial contribution in due course.

Following the set up of the Remembrance Commission in the Republic of Ireland Government the NIMF received a one-off donation of €1.25 million to assist with the vital work of the Fund.

2. AIMS AND OBJECTIVES

Mission Statement

The mission of the Northern Ireland Memorial Fund is to be the primary charity dedicated to introducing and sustaining programmes that support those who have suffered as a result of the “Troubles” in Northern Ireland, and to raising funds for that purpose.

Aims and Objectives

- To acknowledge and address the suffering of victims and survivors as identified by both the Good Friday Agreement and the report of the Northern Ireland Victims Commissioner, Sir Kenneth Bloomfield.
- To promote peace and reconciliation by demonstrating recognition of the needs of victims and survivors as an important part of the healing process in Northern Ireland.

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- To understand the very specific needs of victims and survivors, identify the gaps in current provision, and develop and introduce measures that address those needs in a practical and meaningful way.
 - To relieve some of the worry and pressure facing those who continue to experience financial or other difficulties as a result of shortfalls in the compensation process, or their personal experiences.
 - To help victims and survivors to build a better future for themselves by providing them with support which alleviates immediate needs.
 - To reach those whose needs have not been previously embraced or have not received help from existing support groups and organisations working with victims and survivors.
 - To develop an international network of individuals and organisations to provide funding to support and sustain the work of the Northern Ireland Memorial Fund.
 - To raise awareness of the needs of victims and survivors so as to provide the wider community with the opportunity to support and contribute to the development of initiatives that will help those who have suffered and continue to suffer as a consequence of the conflict in Northern Ireland.
 - To promote reconciliation between both sides of the community.

3. EXTENT OF THE PROBLEM

The Directors initially spent several months researching and identifying the extent of the problems facing victims and survivors. Consultation and engagement with victims, survivors and support groups was an important part of this process, as the process itself demonstrated their suffering was at last being recognised. This was a vitally important exercise, as information and research indicating the likely extent of the problem, or the level of services currently available to victims and survivors, was neither documented nor readily available. Statistical research had been carried out by the Cost of the Troubles Study (COTTS). It revealed that by 3 December 1997, 3,585 people had been killed in Northern Ireland since 1969. Further analysis of these deaths revealed the following:

- (a) The dead were predominantly male (91%)
- (b) They were predominantly within age groups with a considerable expectation of further life (37% under 24, 53% under 29, 74% under 39).
- (c) 53% of the dead were civilians with no affiliation to any security force or paramilitary organisation. A further 29% were serving members of the security forces (15% from outside Northern Ireland and 14% from locally-recruited Royal Ulster Constabulary, Ulster Defence Regiment or Royal Irish Regiment, including almost 300 police officers); 13% of the dead were Republican paramilitaries, and just over 3% Loyalist paramilitaries.
- (d) The death rate has been higher within the Roman Catholic than the Protestant population (2.5 per 1,000 for the Roman Catholic population and 1.9 per 1,000 for the Protestant population).

There have, unfortunately, been further deaths since December 1997, bringing the death toll to nearly 3,700.

Much more difficult to determine are the living casualties of the past thirty years of conflict. These are families—mothers, fathers, wives, husbands, sons, daughters, brothers, sisters—of up to 3,700 people who lost their lives. The possible permutations do not easily facilitate an accurate calculation. There are also those who were injured, both physically and psychologically, and their families. Work by COTTS and others suggests that there have been over forty thousand injured. This is a frightening statistic in Northern Ireland of only 1.6 million people.

4. IDENTIFYING THE NEEDS OF VICTIMS AND SURVIVORS

Against the background of these statistics, and building upon the work already carried out by both Sir Kenneth Bloomfield and the Victims' Liaison Unit, the Directors of the Fund met with victims, survivors and groups supporting them to hear at first hand the problems faced by individuals and their families. These meetings were often emotional, as many victims and survivors are only now coming forward and only now beginning the process of confronting their grief. Following these meetings and subsequent discussions, the Directors agreed to focus the Fund's initial response in five distinct areas, as follows.

Pain Relief and Respite Care

Many individuals have suffered horrendous physical, psychological and emotional injuries. These have not only affected their own quality of life and standard of living, but also that of their families. Many family members are now full-time Carers, devoted to looking after loved ones. Careers have been sacrificed and dreams have been dashed. For the injured, it can be a daily battle to overcome their pain, discomfort or disability, and many face a life-long struggle to come to terms with the physical and emotional trauma. There

are specific needs for pain relief and respite care that can be addressed through a better understanding and interpretation of the needs of victims, and which are not being addressed through conventional health and social services mechanisms.

Trauma and Counselling

As the peace process develops, more and more victims and survivors are coming forward to seek help for the very first time. Many have never spoken of their experiences, and many have been unable to work through their trauma. In some cases whole families have not spoken about incidents that happened as long as ten or twenty years ago, often involving the death of a family member. Support groups are reporting an increase in referrals for counselling, mainly from new members. There is much healing to be done and a tremendous need for trauma counselling that will be focused on the very specific needs of victims and survivors.

Financial Hardship

Of those killed, 91% were male. In many cases they were husbands and fathers, and often the sole providers for their families. Many widows, widowers and grandparents were left with the responsibility of providing for children as best they could. Many faced and continue to face financial difficulties, often as a result of shortfalls in the compensation process, which have compounded over the years. Many continue to struggle to maintain a very basic standard of living for themselves and their children. This legacy of hardship is not just a symptom of inadequacies in the social services or compensation system. It is compounded by the unique position of victims, who through basic pride or desire to remain anonymous for reasons of personal security or special needs cannot access the help they require.

Training and Education

Children and young people have been particularly affected. The loss of a parent, brother or sister; the loss of a close family member or other significant influence in their lives; a personal injury or traumatic experience have often resulted in serious disruption to their education. Opportunities have been missed and many, through no fault of their own, have under-achieved academically or been unable to pursue their education or careers for financial or physiological reasons. Adults also have been forced to abandon their chosen career because of psychological or physical injury. There is a need to provide special help to enable these people to access the opportunities available to realise their legitimate ambitions.

Recognition

Many community groups have developed to support victims and survivors. These groups will grow, develop and continue to provide support to victims and survivors into the twenty-first century. The Memorial Fund will act to complement the work of these groups, and where we can to assist them to provide recognition to victims and survivors. Simple recognition of their needs, and acknowledgement of their hurt is an issue that comes through as a priority time and time again. The Fund will continue to liaise regularly with support groups to identify needs and respond positively where possible. We will help give a voice to the needs of victims and survivors.

Reconciliation

Whilst many victims and survivors of the conflict receive emotional help and support from victims groups within their communities there is very little work going on in the area of reconciliation. The Fund feels this is a very important part of the healing process and want to progress this work further.

5. RESPONDING TO THE NEEDS IDENTIFIED

With the aim of providing victims and survivors with the recognition and support they deserve, the Directors of the Fund have commenced the process of introducing and developing measures aimed at providing help and support at a practical and meaningful level. This includes programmes aimed at providing assistance to obtain essential household items and services, respite breaks, pain relief treatment, counselling services, educational assistance, training grants, other practical help and reconciliation projects as follows:

A Chronic Pain Management Scheme was launched in May 2000. This scheme addresses some of the difficulties experienced by chronic pain sufferers who must join normal National Health Service (NHS) waiting lists for appointments with Pain Management Consultants. The Scheme provides a grant of up to Stg £2,000 to enable chronic pain sufferers to receive several private treatments per year. The flexibility this

scheme offers ensures that victims and survivors can receive prompt treatment from the consultant of their choice. In exceptional cases a grant of up to Stg£7,000 is available where a consultant recommends a surgical implant designed to block pain as the most appropriate form of treatment.

An Amputee Assessment Scheme was introduced on 18 April 2001 with the support of the Department of Health, Social Services & Public Safety, and the Centre for Rehabilitation Medicine at Musgrave Park Hospital, Belfast. This scheme will look at addressing the specific needs of individuals who have lost limbs. Following a positive assessment (in any country) by a recognised consultant in rehabilitation medicine, the Fund will provide a grant to obtain a better or more suitable prosthesis where the consultant determines this would enhance the mobility or quality of life of the amputee.

A Wheelchair Assessment Scheme was also launched on 18 April 2001 with the support of the Department of Health, Social Services & Public Safety, and the Regional Disablement Services in Musgrave Park Hospital, Belfast. This scheme will look at addressing the mobility needs of victims who require the use of a wheelchair. Following a positive assessment (in any country) by a recognised community occupational therapist or suitably qualified technician, the Fund will provide a grant to obtain a lighter or more suitable wheelchair, where the assessment determines this would enhance the mobility or quality of life of the user.

A Short Break Scheme was introduced in May 2000 to allow victims and their immediate families the opportunity to avail where needed of a beneficial rest, away from their usual surroundings and responsibilities. Approximately 2,300 individuals and families have benefited from the scheme which provided short breaks for people located throughout England, Scotland Wales, Northern Ireland and the Republic of Ireland.

Trauma and Counselling

In 1998 the Department of Health and Social Services Inspectorate published a report "*Living with the Trauma of the "Troubles"*", which identified numerous concerns about trauma counselling. There were many concerns regarding the level of expertise attained by individual practitioners and the degree of supervision that they receive. There was a clear need to improve the channels available to victims and survivors requiring trauma counselling, but not all of the solutions were clear.

A follow-on review group was set up to identify and promote good practice examples, suggest minimum counselling standards, and recommend appropriate qualifications, accreditation and supervisions requirements for counsellors. This is an area which the Fund is currently trying to address.

The Small Grants Scheme was introduced on 30 November 1999, aimed at providing victims who are currently experiencing financial difficulties, with small grants up to a maximum of Stg£500 to assist with the purchase of essential household items and services, such as cookers, washing machines, school uniforms, minor household maintenance etc. This scheme, with its modest grant, has proved to be the largest single source of recognition for victims and survivors addressing real need at a very basic level, but in a very practical and personal way.

Discretionary Hardship Scheme was introduced in September 2003 aimed at individuals who have lost the main breadwinner as a result of the Troubles. This is the only one of the Fund schemes which is means tested and applicants are assessed on the basis of a home visit. This Fund has provided very practical help to those in need.

Winter Assistance Grant was introduced in December 2004 to assist applicants over the age of 60 years with the additional costs associated with the winter months such as heating, electricity etc.

An Education and Training Scheme was introduced on 1 July 2001. This scheme aims to help both children and adults whose education has been fractured by their experiences, and adults who require re-skilling or re-training. The scheme provides victims and survivors with the opportunity to continue or further their education or training to realise their legitimate ambitions, by providing grants of up to Stg£1,200 towards subscription, enrolment or entrance fees, attendance and course fees, educational books and aids, home study courses, tuition, skills training, career development or other relevant extra curricular activities etc. The scheme will particularly focus on providing help during the transition points in the education system.

Reconciliation

The Fund continues to promote reconciliation through a series of cross community projects. Group trips are organised several times each year bringing both individuals and families from both communities together, letting them share their experiences in a safe environment and form new friendships.

In addition to these trips projects have also been arranged through a cross community Christian Housing Association, Habitat for Humanity. Each year the Fund takes groups of young adults to places such as Romania, Hungary and Costa Rica to work as a team on a building site building houses for families living in poverty. These trips bring the young people together to form friendships and give them a real sense of achievement in helping those a lot less fortunate than themselves.

6. ACCESSIBILITY

All of the programmes introduced by the Northern Ireland Memorial Fund can be accessed by victims of the Northern Ireland Troubles regardless of their current geographic location. The Directors of the Fund are conscious that many individuals in England and the Republic of Ireland, for example, have suffered as a result of incidents in those locations. Indeed, many individuals affected in Northern Ireland are now residing in other parts of the British Isles and further afield. The Small Grants Scheme has awarded grants to individuals residing throughout the British Isles and the Republic of Ireland, as far afield as Austria and Canada.

7. THE RESPONSE TO THE FUND'S INITIATIVES

From the outset, the Fund's Directors have consulted with individual victims and victim support groups before developing and introducing new schemes, and have received very positive feedback. Many hundreds of letters have been received from individuals who have benefited from one or other of the Fund's initiatives. It is transparently clear from those letters that the Memorial Fund is making a difference by providing support and recognition in a practical and personal way. The following is a sample of just some of the comments the fund has received.

From the Project Co-ordinator of a victim support group whose members attended the Edinburgh Respite Weekend.

"All those who were on the Edinburgh Weekend have been singing the praises of the good work of the Memorial Fund. I am really pleased that everything went well, and especially pleased that some of our members have at last been recognised."

From a man severely injured in the early seventies who received assistance from the Small Grants Scheme.

"I thought we were the forgotten people of the Troubles, but thanks to the Memorial Fund a human face and care shines through. I hope you know how much your help is appreciated from me and my wife."

From a woman whose husband was killed in the late seventies.

"I would like to thank the Memorial Fund for all the help given to me and my family last year. You would have no idea the difference it made to us. I have never been on a proper holiday from 1987. My daughter and I went to London to see my other daughter and we had a lovely time together. The help buying some furniture was wonderful, but the gift at Christmas was the best surprise I got this year. I cannot thank you all enough. For over 20 years I gave my children first place in my life. I didn't know what it was like to be able to do something for myself, or even about it."

From a man who lost several members of his family.

"I would like to thank the Memorial Fund for their kindness in sending me a £50 Christmas present. I am also deeply grateful for the grant that you awarded me not so long ago. I know of no other organisation that helps the victims of the Troubles and their families more than the Northern Ireland Memorial Fund."

From a woman whose father was killed.

"Thank you so much for the Christmas gift cheque. It was a wonderful and much appreciated surprise. The money helped ease the financial burden of Christmas. The gesture was a bit of emotional support at the time of the year when we miss our loved ones; it feels good to be remembered. The Memorial Fund has been a tremendous boost for me throughout all of last year."

From a man who was shot several times, and survived.

"I would like to thank the Memorial Fund for the cheque you sent out at Christmas. This is the first help I have ever had from any quarter since my injuries in 1972. I hope the Small Grants Scheme will be continued, as it has taken a lot of pressure off me."

From a man whose wife was killed.

"Many thanks for the Small Grant and the gift of £50, it came at a time when I needed it, also when I was felling very low. You think you are forgotten, but then you realise someone is thinking of you."

From a woman whose husband was killed.

"After many years of feeling very alone it was most touching to find people thinking and acting for victims in a most practical manner. Words cannot express how your thoughtfulness went some way to making Christmas better."

From the chairperson of a group supporting victims.

"I believe the Memorial Fund is a real sign to the victims that at last they are being recognised and remembered."

From a retired couple whose son was killed in the 1980s. “We find this is the first time in over 10 years that anything has been offered to us as victims. We are delighted that now, after so long, the victims are being recognised at grass roots.”

8. A CREDIBLE RESPONSE

Like most charities, the Northern Ireland Memorial Fund relies on the support of the wider community to introduce and sustain measures to meet its aims. Aside from support offered by local and regional community groups, there is no other charity in Ireland, north or south, with the objective to provide victims and survivors with the recognition and range of practical assistance proposed by the Northern Ireland Memorial Fund.

9. SUMMARY

Remembering the Past by Building the Future

Northern Ireland has changed greatly. The Good Friday Agreement and the devolution of powers to the new Northern Ireland Assembly has led to a real sense of hope in the hearts and minds of the people of Northern Ireland. Despite setbacks, this hope and confidence in a brighter future continues to grow. But for casualties of 30 years of conflict—the relatives of up to 3,700 people who lost their lives and over 40,000 individuals estimated to have been injured—the damage is permanent. For them, life will never be what it once was. For these individuals and families, every day is an act of courage that has gone unnoticed. Indeed, many have built on their devastating experiences to make enormous contributions to the lives of others.

The Northern Ireland Memorial Fund seeks to ensure that these victims and survivors are not forgotten. Their example of how to overcome adversity is an example to the wider community. Their suffering must inspire us to do everything in our power to build a better future for everyone in Northern Ireland.

The Northern Ireland Memorial Fund will promote peace and reconciliation by supporting those who have suffered, providing them with help and support to aid them in building a better future for themselves.

January 2005

APPENDIX 43

Memorandum submitted by the Police Federation of Northern Ireland

The Police Federation for Northern Ireland welcomes this opportunity to give comment to the House of Commons Northern Ireland Affairs Committee. The task of “Dealing with the Past” needs to be addressed by the Police Service of Northern Ireland. As the dominant element in the security forces’ response to the terrorism, the Police Service bore the brunt of the prolonged terrorist campaign.

Police officers understand the mortal risk that accompanies policing almost anywhere in the world. However, in Northern Ireland, police officers were murdered because they were representatives of the State. Secondly, they were targeted on or off duty. Their murder was the terrorist’s intention rather than, as would usually happen elsewhere, the officer’s death would be incidental or accidental in the commission of a crime. Iraq would be a similar example of the deliberate targeting of police officers for murder as a way of undermining the stability of the State.

The Police Service suffered as a corporate body, losing 302 officers through terrorist murders, another 70 through suicides (although not necessarily Troubles related) and some 11,500 injured to a greater or less degree. As a result of the effect of the Troubles, the Good Friday Agreement of April 1998 led to the Patten Report, which reformed the Royal Ulster Constabulary into the Police Service of Northern Ireland. While officers embraced change, many also felt that reform was being presented as a rejection of the professionalism and traditions of the RUC.

The Police Service also suffered a legacy from the Troubles which affected in some degree, the 33,000 officers who passed through its ranks from 1968, many of whom still continue to serve. The officers were affected personally and individually and so too were their families. Inevitably, there has been a physical and emotional price paid by officers and families and it continues to be exacted even now. There are five issues we would respectfully invite the Committee to consider.

1. MATERIAL NEEDS

The loss of income occasioned by the death or serious injury to a police officer is compensated through agreed provisions of the Northern Ireland Police Fund and the Police Dependants’ Trust. Death in service entitlements are awarded to widows and dependants of murdered officers and injury on duty awards are available to disabled officers both by virtue of the Police Pension Scheme.

However, officers killed or injured in the pre-1982 period have families who have not fared as well financially as more recent families because of the erosion of the value of the original compensation award. The Northern Ireland Police Fund and the RUC Benevolent Fund have shored up the inadequacy of these early awards but a more structured and permanent response from Government is called for.

2. EMOTIONAL NEEDS

The Police Federation became aware in the early 90s that serious and debilitating psychological illnesses were widespread among serving and retired officers. Following survey work, the Federation launched a Post-traumatic Stress Disorder legal campaign against the Chief Constable.

The essence of the claim is not that officers came across or were directly involved in traumatic incidents but that management were negligent, in that there was little or no attempt made to assist officers to cope with the psychological distress caused by exposure to incidents. Since World War One, evidence exists on the damage inflicted on combatants or civilians exposed to repeated or even single periods of trauma.

Currently the Federation's solicitors are pursuing a class action on behalf of 3,000 serving and retired officers for compensation. The Government, as the ultimate paymasters, are resisting the claim in every obstructive way possible by insisting on proof of evidence at every conceivable stage. The Federation has incurred considerable legal and other professional costs which will severely limit the scope of its services should it lose the case. The Federation believes that there is a public interest to the case, in that the Federation was morally obliged to seek redress for its suffering members and that the Government should undertake to waive its rights to recover its legal costs in the event of the Federation losing the case in court. Instead the Government seems engaged in a war of financial attrition. The attitude of the Government lacks compassion or any sense of obligation to officers who had the most horrific experiences while upholding the rule of law. A move to acknowledge a responsibility to meet the plaintiffs' costs would be a welcome acknowledgement of the damage to officers and their families and would be one way of dealing with the past.

3. WHO ARE THE VICTIMS?

The Federation cannot accept any moral equivalence between those who murdered and those who were their hapless victims. The desire to draw a line under the past through blurring the distinction between perpetrators and victims has the attraction of tidiness but over-eagerness to bring closure will prevent healing through its sheer clumsiness. Measures to commemorate or revere the sacrifice of the police or other murders of the security forces should not be tarnished by crude assertions of claims that the perpetrators of murder and violence were just as much victims as those who were murdered or injured. The Federation finds the idea utterly repellent that a common memorial, event or act, however well meaning, would meet the needs of all those who have died, for whatever motivation or reason, as a result of the Troubles.

Moves by the Chief Constable, backed by the Government, to investigate through Cold Case Review the murders of the 1,800 civilians and 211 police officers which remain unsolved are warmly supported. While there is little ground for optimism that convictions would follow in many instances, even allowing for recent advances in forensic science, we believe that it is the fresh and sincere attempt to explore the circumstances of each murder which will bring comfort to the surviving families, rather than the prospect of successful prosecution. At a monetary level, given the recent estimates of £25 million for a Cold Case Review, we believe this to be value for money, especially when weighed against the Saville Inquiry and other expensive, if less high profile inquiries, this will prove value for money as well as providing a more constructive response to dealing with the enduring sense of hurt.

4. TRUTH AND RECONCILIATION COMMISSION

The Federation remains opposed to the setting up of a Truth and Reconciliation Commission (TRC). We are aware that there are numerous variations to the form the Commission or Inquiry body might take but nothing convinces us that within the short term there is a useful model. We believe that the events of the Troubles are too recent for significant forgiveness to be offered and out of which might flow reconciliation. To believe otherwise is to underestimate the depth of grief and bitterness felt by bereaved families and injured innocents. It should not be forgotten that it was decades after the Second World War before there was any general reconciliation by prisoners of war with the Japanese. While the scale of atrocity is different, the horror of many of the paramilitary deeds remains shocking.

Secondly, Northern Ireland is too small for comfort for people to have confirmed to them that their neighbour fingered their close relative for assassination or even actively participated in the deed.

Thirdly, and most fundamentally, it is self evident that the struggle, armed or otherwise in how it is pursued, is unresolved and that a TRC would be simply another way for protagonists to carry on the "war". With the granting of early release to terrorist prisoners, any incentive to come forward and tell the "truth" was removed. A further constraint is that police officers cannot be expected to give evidence or intelligence to an TRC on people or events when the information could still become relevant to the enduring conflict.

5. REPUTATION

On a final point in terms of this paper, the Police Service of Northern Ireland has suffered terribly from a sustained campaign of demonisation from the Republican movement. The wider community held the view that during the Troubles, the Royal Ulster Constabulary held the line against the most ruthless and professional terrorist organisation in the world, so successfully that eventually the violence was judged to be fruitless. At the same time police efforts were necessarily distracted by having simultaneously to deal with loyalist paramilitary murder gangs. It is only just that the sacrifice and commitment of the RUC was rewarded with the George Cross, a singular award for corporate bravery.

However, the onslaught on the reputation of the police has not abated, even with the transformation into the PSNI. Far from being regarded as the staunch defendants of law and order, there has been a tendency to allow the police to be deemed from a malicious hindsight as part of the problem of Northern Ireland—as if the organisation had contributed to the intensity of the Troubles rather than promoted the protection of the community. The Police Service has not been without its faults but its commitment has served and continues to serve the people of Northern Ireland extremely well. In the present political uncertainty, the role of the police is undiminished either in scope or centrality to stability. Police officers could be forgiven for being dismayed or even angered by their unsympathetic portrayal in some political quarters. Jingoistic claims of having “got rid of” the Full-Time Reserve, the past Chief Constable, or claims to have hired their own man, are misplaced and undignified and fail to recognise the calibre and professionalism of officers past and present.

As part of dealing with the past, the Police Service needs to go forward to enjoy the support of the whole community. Any constraints on its ability to do so are a direct consequence of political communities and parties either claiming ownership of the police or preferring to portray them as a hostile and biased instrument of the State.

The people of Northern Ireland have suffered terribly due to the Troubles, none more so than the officers trying to protect the lives of the innocent and bring justice to our streets. For years, the police have been vilified and abused; now they need and deserve the support of our Government. The time has come for the Government to acknowledge and appreciate what has been sacrificed by acting on the issues which have been highlighted and regularly show their support for the PSNI in helping deliver a stable, peaceful future for the people of Northern Ireland.

23 February 2005

APPENDIX 44

Memorandum submitted by the Shankill Stress and Trauma Group

TRUTH, JUSTICE, RECONCILIATION, FORGIVENESS, BILL OF RIGHTS NI HEALING THROUGH REMEMBERING

BILL OF RIGHTS FOR THE PEOPLE OF N IRELAND

Countries through the world have a Bill of Rights, various in size and content and enshrine many written words, which are only just that “Words”. In N Ireland our Bill of Rights must be written in words that the least educated can read, concise, precise and to the point. We believe they must not be open to interpretation by any grouping, Governmental, Political or Culture, but it must cater for the minority. Being no smaller minority than one I would believe our Bill of Rights must be an empowerment document for the individual person. Enshrined therein must we be clearly lead out an understanding that any grouping is only as powerful as the individual no more, no less, it must be an inter departmental approach to the singular need. From cradle to grave and beyond and encompassing the basic right to live in a civic society and have a voice which cannot be silenced by a louder one. It should not be designed to bewilder generations with little knowledge, and so it will not be a shiny fat document without any meaning, and prepared if necessary on a street to street consultation of the draft for approval 60 pages of sense and sensibility would be better than 600 of waffle and fudge.

Truth & Reconciliation

Prior to my thinking of this nature we must decide and so should Governments, was 1966 and onwards troubles, Conflict or War?

Trouble by definition is something that causes inconvenience, upset, unrest, in our belief we did not have “Troubles”.

CONFLICT would indicate a Strife, Quarrel, to be in Variance with or to Struggle. So, did we have conflict?

WAR Conflict between Nations or Parties, Military in context, to make War.

Did we have War in N Ireland? The Government would indicate so, many people have War Pensions in one way or another, and Para-Militaries claimed prisoners of war status, so do we require, A War Crimes Trial?

Having ruled out Troubles, Question Conflict and it is open for debate that would leave probability of War with Pensions and Prisoner Status, again a point to debate.

Conflict may require inquiries, if we ever could prove liability or Truth, is the question running through every form of combatant it would seem Truth is down to memory recall Soldier or Para-Military Official Secrets Act to Oaths, which to date has caused more pain and anguish than Truth Recovery. What if we ALL woke up one morning in unison and spoke Truth, it would be our belief that our Communities on every side would either turn in on their own, and finally when we bury all our dead the final act may be to join together and destroy the Irish and British Government Buildings, with a tiny proportion of poplars left standing in our areas. We then proceed on the middle and upper classes who stood and watched whilst our communities suffered and who now have created a growth industry from victims, again these are points for discussion!

Will the Truth really set us free, and from what? Don't all victims already know the Truth, thousands died leaving behind grieving families, as many more were blinded, deafened, amputees, walking wounded, and God only knows how many minds will never recover from the Trauma of our innocence in Northern Ireland. In an ideal world free from fear and harm, conflict and corruption all around, are we looking for Truth or are we looking for Recognition of a journey of Injustice, the same injustice has now transferred from the top to the lower classes on either side, it is called summary execution or near enough. "When will we ever learn"? The answers are really blowing in the wind, and perhaps my community are not living in the backwoods as they have great knowledge that the Truth may be more aching than the event that led many to seek it. Will we heal with Truth or open Scars that will be unending and a legacy for those even yet unborn.

RECONCILIATION

In the absence of Truth many have truly reconciled, one community to another by discovering we were all Pawns in a big boys game, we have taken risks, held out hands, listened to their pain and walked in others shoes. The WE were not always trusting or tolerant at one time. Perhaps today many are not yet there, but are keen to find a way through even in the wake of extreme hurt. These people are not the highly paid Community Worker, Solicitor, Judge, or Politician. These people are the same who are missing someone, hurting, mentally and physically, but when it boils down every day.

Language we never saw in any documentation, "To Anne, a Para-Military, Republican, Loyalist, Soldier, Policeman, Shopper, Innocent or Guilty, Oh no it was always to Anne a son/daughter 7lbs 12ozs, Blood group neither orange or green. People and Governments should not label neither should we? We are of the opinion if all Truths were known and if one Truth only one is hidden reconciliation will never be possible, and so more Finance. 30 years of attempting to find a way forward has been thrown out of the bath along with the baby. Is life times wasted by those who kept our Communities sort of together, most of them givers of life "Women" with total support from their families who unknowingly gave them wings.

FORGIVENESS

Some do, some don't, some will, some won't. "To cease to feel resentment", To Pardon.

It would be our belief as Christian reared and indeed our wish to say, "The Lords Prayer" in truth, but most of us who know our perpetrator, and it's a low percentage who actually do, and ever find it in our hearts to Pardon. Perhaps the easy answer is, there is a Judge who will be bigger and have full knowledge of each heart, and he does listen to excuses and lies. Many of our victims will know after death who was pardoned, who was not and that is also something else up for discussion and not by Churchmen unless they are victims.

"To cease to feel resentment" many of us have learnt to put the author off a deed to the side, to forbid them free space in our head. It is a coping tool for many it has to be for even many more, as the percentage of ACTUAL killers and maimers caught was very low, makes you wonder about this effective policing, again worth discussion.

JUSTICE

At this stage and think about it many victims' families became perpetrators under the search for Justice. To many it is possible to be a victim and a perpetrator, Justice then became retribution, and for many this may have appeared right again up for discussion. For most of us had Justice been there for all, conflict in Ireland would have been avoidable, did Nationalists have Justice North or South, indeed not. Did Unionists have Justice North or South, indeed not, and it has to be understood that we were not only misruled but misled into thinking we ever had. Our Fathers and Grandfathers fought two world wars for democracy, came home to no homes, no jobs, no votes, used abused and threw to one side. Some things don't change

and will not if these don't change and will not if these perceptions are not challenged or accepted by all. There are graves across the UK filled with people who were tired, convicted and executed, Soldiers God knows how many executed for cowardice, frightened wee boys, abused women, people that observed the democratic right to speak or do, after execution by State or anyone else Truth was in short supply all around, can we raise them No! What is Justice?

HEALING THROUGH REMEMBERING

Memories are part of us, they often decide the roads we walk, some of them are pleasant and cause us complete mind break, and again we are being lead through the nose to have a free for all with our memories. In a natural death through illness memories of the actual death moment fade and usually in a few years we smile again and hold on to a person who once smiled with us, yes we go through our missing, our depression etc and forget the departing moment.

However in the event of any loved ones life taken by another human being, it differs whether for Political or other reasons it is different, most of us are not given the opportunity to be there at the time of passing or any other family member. We hear in Court usually the end of a life story and that in itself differs the memory we focus forever on the event in memory, we remember words smothered, bled, tortured, cold, ditch. Field, wood, and therefore in memory recall each asks the same question. Did they say? Did they know? How long? Who was there? Did anyone pray? And so you get the picture we tend till the day we die not only to have our lovely memories, but the event memory, if we know the perpetrator they will be in the memory if we don't we make it up, and this face is always evil, judging by inquest perhaps satanic and that is where the memory of the person and event combine which it has done for.

Are we actually seeking Truth from all and who is going to tell it? We have seen Official Secrets, oaths of groupings etc. At the Bloody Sunday investigation, we have or not seen faces at times, there is always a question unanswered, we are not taking issue with Martin McGuinness on this one, the same oath is taken by all Para-militaries as is only in part broken by paid informers. The Stevens Enquiry (Halted again by secret armies within armies, the ongoing Corry inquires, no doubt heading into the same difficulties, victims silenced within their own communities and running scared 24/7. Could we honestly take the Truth if your friend/neighbour was part of collusion on either side? We have even studied the Mull of Kintyre 29 information gathers complete with vital evidence on a journey in a vehicle with bad safety record is questionable. Which never reached its short destination, just at a time when there was soundings of a local assembly, lasting peace, justice for all. All of these matters have and will be mulled over for many years by individuals and families all over Ireland and beyond.

We do not believe however that there is a Truth worth telling, and even were there are, are we in any condition to receive it. Ask any victim they will tell you the real truth that was not a casualty of war, the absence of it in the first place was also the reason for people in our communities entering into it. So do we learn from past mistakes or go on. Being fobbed off forever. A united victim front has always been feared, there is a choice, chase and dig back to 12,000 and whilst your wasting time and energy, the underclass's will never receive their place in the sun, even in North/West Belfast as it is now, look around wake up, some folk have three cars, no debits, food a plenty, eight/nine holidays per year, they don't work, have no profession, talk a lot. Some even run around Ferries carrying loose change of £70,000. All this and we still pursue Truth, tell us where to seek this Truth and we will prophesy my own demise, and not by the man with the small change, but the man that supplied it.

Truth, Justice, Remembering and Forgiveness, Shankill Stress and Trauma Group have for over a year been exploring these issues. We from the knowledge that our district in general, has not only be victimised but created victims, and so from the beginning we were honest and up front before most groups and individuals. We acknowledge no hierarchy of victims, as a community we saw the first policeman shot dead, the first community to have been two people shot by the army, ordinary vigilantes becoming paramilitaries and two bombs in three months within a hundred yards. The first babies' deaths, 45 in total dead by bombs between Peter's Hill and Highfield, the first illegal radio station and a general expansion of community work by people for people, all voluntary. The source of redevelopment and the breakdown of a community infrastructure and with the death list going on to 2002. The demise of a great shopping centre over 30 years, the two biggest social gathering places in decline Pubs and Churches, the increase of alcohol and substance abuse, prescribed and illegal coming prominent, child abuse, single parents, the break up of a unionist voice so many UPs. The biggest employers must be in the community and Leisure Services and accountability for that now about to be so well scrutinised that small groups community led, may loose out. We appear to know those are not "Group" orientated. Then comes isolation of the vulnerable though thankfully we have unsung champions who still take time to invite the weak and vulnerable for a cuppa. In our field we get four or five shiny books each week supposedly about our community, but it's a collection of words followed by inaction. Given what has been, what is, and what we hope for we explored four issues with 200 people who are victims, some bereaved, some carrying mental and physical scars. We would never claim to speak for every victim/survivor, but one can only hope we reflect views of those who use our services, and some who wouldn't dream of it but give strong opinions.

VICTIM

The word victim has as many interpretations as survivor, and is unique to the individual and we accept every interpretation, and as a group are very inclusive, though there is a lot of honest discussion within the group.

TRUTH

89% of 200 would question, as again there are as many truths as there are citizens, that reflects on the fact of all life changing events in families life, there were about the same per cent who never were charged. Seeking truth in N. Ireland is like needles in haystacks of 45 killed by bombs in The Greater Shankill. And for others in other places there were only one conviction, and many doubts of poor intelligence, were their indications? We don't believe we will ever know, and do we need to? If we need to leave ourselves open to a process which would open wounds, perhaps leave us with the only truth that the dead cannot be raised, bodies and minds may heal to a point, but you cannot erase a memory, or ever be totally whole again. We must face the fact that we have to function as best we can, as an individual, as a family and as a community. Our reckoning is, if we went on this road the cost to the Government in terms of inquiry could cost at the very least £50 million. Which in the generosity of spirit in our group fund, a memorial hospital dedicated to preserve life and dignity.

JUSTICE

There is no cause or justification that would be a satisfactory reason for any loss of life. Myths and legends stems from a history created not by anyone in working class areas in that way we cannot allow the past, which has impacted on our present, to exist in our future. Few of our group have lived through partition let alone prior, and therefore we won't be blamed or accept blame for it or a portion of blame for a history unknown to us. What we do know is this walk we were forced to take could never be justified. Neither do we wish it on any family we never want to see any more little white coffins leave any home in our name.

REMEMBRANCE

Again is an individual and unique issue for bereaved and suffering. We know we don't want gardens. We have a local remembrance in the Heart of our community and multiple graveyards. A written or taped recording of an event which caused physical or mental pain, and a centre where exploration of variety of feelings can be expressed openly and honestly and cannot be divulged without consent. We remember the event how can we forget. But when stories are told the dead are valued for the family contribution the character the joker the wee imp the one who was the party animal. Favourite songs pleasure and privilege. They were ours, warts and all. This is a book to be written soon and individuals can and will contribute feelings about events, and our journeys will be written. But often will take the form of simple answers for children of a parent. Who they know little about or a husband or wife who wants to remember the things that made them love that person. It will be a community story of the individual. Those who were hurt in other ways, secondary victims will have a voice also and nothing will be published without full consent. It will be funny, sad, reflective and hopefully a lesson for the future. Our people are so aware that life and how we each live is so precious.

FORGIVENESS

We would protest we don't have to forgive to move on and if we forgive one, we blame another and the blame game has no end. Suffice to say not one of our group gives, (whoever the perpetrator if known) more than a passing thought. Most think they do not deserve that time. There are many issues on who was the perpetrator if known, did the punishment fit the deed, and can we indeed forgive those who stood by and let it all happen, played no part in our healing process and now inundate us with questionnaires and research. Whilst receiving a good living from this effort, we think not. Actively, after years seeking us out not to help but exploit us again. They also played a part by not understanding our pain and still don't.

Come autumn there will be much work to be done, by the individual. By no means can we explore these issues while new victims are being created and expansion of all issues will be required. Be very aware of those who rejoice at tears on television, and fears that can be exploited. We must always remember the real experts in all these matters are those who have walked the hard road. Sometimes people can be helped through the worst periods by counselling, befriending, but for many it takes years before they realise what is reality. And for others they will use their own coping strategies.

In a meeting only last week most present felt:

1. We will never be afforded the truth?
2. Justice would be that nothing had destroyed any family apart from bread and butter, issues and natural deaths?
3. Remembrance of a way of life or life itself would be a non-inflicted process.

4. Forgiveness is a quiet moving on with a new beginning for our young people and every individual journey.

The Jury is still out on all accounts and progressive update given.

Leaving one comment by one individual:

If 90% of all communities are peace loving and 10% involved in violence.

Why is the tail wagging the dog?

Where are the 90% of voices hiding?

DEALING WITH THE PAST

Someone has said, “Its too bad life can’t be lived in reverse.” If that was the case, we could use some of our mature knowledge to avoid making the mistakes that we ultimately regret later. But, that’s not the way life is lived. We have to make the mistakes to gain the knowledge. And we all have made our share of mistakes.

For the most part, the past holds many good memories. We remember the good times. We can certainly thank God for the good memories. Unfortunately, the past also has a dark side. The past can be a prison that put us in bondage. Along with the good memories, there also comes memories of our own failures and the hurt caused to us by the failure of others. Memories that seem to continually haunt us. Many people live today plagued by their past. (In the most extreme cases, they sit in mental and rehabilitation centres constantly reliving the tragic events of yesterday.) They have become victims. Ravaged by their past and living in a continual state of regret; they have become trapped by their past. Some people relive the past and recount it in great detail in their mind. All the negative emotions that they felt then, they feel again. Replaying regret steals our joy as we batter ourselves emotionally for events that are forever gone. Some people simply surrender to the past. They decide that they will never rise above the past and resign themselves to be what the past has made them.

Others defy the past and refuse to be dominated by it. They recognise that while the past is unchangeable, they can do something to change how they deal with the memories of the past. They face their fears, take an honest look back at the things that haunt and hurt them and they realise that nine times out of 10 they were not even remotely responsible for the events that they were caught up in or the circumstances they were born into.

We have to find a way to release ourselves from the bondage of the past and to move forward in a positive direction to a new way of life. We must recognise the past for what it is—the past. It is over, done, gone, finished, ended, passed. We can’t change one thing that happened back then but we can change how we go about dealing with the past. Replace pessimism of the past with optimism for the future.

We must always remember that today we have that most precious gift of choice, something that years ago we may not even have realised was our birthright. We lived our lives doing and saying what we thought others wanted us to do and say. Now we know we no longer have to do that and because we know better we can do better. In the past we did the best we could with the tools we had and even at our worst we was trying to do our best.

However, sometimes we have to accept that there is a certain pay off for us living in our past. That pay off is self-pity. Our self-pity allows us to stay stuck and saves us having to face the fear of failure that might come with moving forward by ourselves on our own terms. But we have to come to see there is no such thing as failure as long as we are willing to try. Things may not turn out as we would have liked them to but that’s not failure—that’s just life.

We come to realise that we now hold the power over how our lives develop emotionally. For today at least, we do not intend to hand that power back to those past memories. We must no longer condemn ourselves by carrying unrealistic guilt. We have to make a conscious decision that nothing or no one will deter us from moving forward as best we can. We have the choice to let go of the ghosts of the past or to choose to live in the bondage of our own and other people’s past mistakes, failures and shortcomings.

So much of our thinking about the past is tied up with feelings of guilt We have probably said to ourselves many times over, “If only I had done this...”, “If only I had done that. . .” “Why did I let that happen”. Guilt can be one of the most difficult and distressing emotions. Unless it is dealt with carefully, guilt can also be one of the most destructive of emotions. Initially traumatised people find it difficult to realise that much of their “guilt” is imagined and unrealistic. With hindsight it is too easy to criticise what we have or have not done. When looking back on our past we must remember we acted with the information we had at the time. We must all ask ourselves honestly:

How much of my guilt is imagined?

Look at myself with the knowledge I had at the time.

Have I allowed any blame from others to be laid on me?

Am I whipping myself with guilt to punish myself?

Why?

We cannot be responsible for another person's actions or the circumstances we were born into. We cannot change the past but we can change the future—we can either enjoy it or endure it. The choice is ours.

I encourage you to choose life and then to start living it the way you have decided you want to live it. Be kind and gentle with yourself on the way and leave the past where it belongs. In the words of the Serenity prayer.

God grant me the serenity to accept the things I cannot change

Courage to change the things I can.

And the wisdom to know the difference.

Imposing personal perspective and beliefs on others raises doubt not clarity.

APPENDIX 45

Memorandum submitted by Hugh S Rowan

HISTORY

I make this submission to the NI Affairs Committee as a Victim/Survivor of the NI Conflict. I like so many other Victims/Survivors in Northern Ireland am not represented by a Victims Support Group (VSG) and very dissatisfied at the way Victims/Survivors have been treated by the Government and Direct Rule Ministers. I became a Victim/Survivor in the early hours of 23 August 1972. I arrived home from work at approx 01:15 on the morning of the 23 and went upstairs to speak to my wife who was asleep and had wakened her when I came in. I had a brief chat with her and said that I would be up to bed shortly as I was having something to eat and a drink. I went downstairs and proceeded to make a sandwich and a drink. I have just returned to the living room with these when I heard a knock at the front door. I left my sandwich and drink on the coffee table and went to answer the door. I opened the door and was faced with two young men pointing guns at me. I just froze on the spot and they started shooting. My wife had heard the shooting and had come down the stairs to find out if I had heard it only to find me lying at the bottom of the stairs in a pool of blood. I was rushed to the RVH. Only for the skill of the surgeons in the Royal that morning I would have been another fatality of the Troubles.

I recovered but not without problems. I have been left with a disability as one of the five bullets that hit me entered through the stomach and ended up in the spinal column. This causes me constant pain and discomfort regardless whether I walking, sitting or lying there is no getting away from the pain and discomfort and as I am getting older this problem is getting worse. I have lived with this and other problems relating to my injuries for 33 years. As there weren't any VSG's around in those days. After I was discharged from hospital I was left to fend for myself without any help or support from any quarter. When the VSG'S did start to come along I could not become a member as I did not fit into their remit, but once funding came along the VSG's had to widen their remit to obtain funding but still as I had come a very long way on my own I did not see the point in joining a VSG just like many other Victims/Survivors who Bloomfield in his report "We Will Remember Them" describes them as escaping the VSG net, but that isn't the case its just that there was no help for the early Victims of the troubles that they developed their own coping mechanisms such as prescribed drugs and alcohol or felt that they had no need for VSG's when they did come along.

BLOOMFIELD WE WILL REMEMBER THEM

I spoke to Sir Kenneth Bloomfield during his consultations with Victims and explained what I had been through and how I felt about the way I had been treated. Bloomfield told me he had heard the story so many times before and what Victims have had to suffer he also assured me that the Victims/Survivors of the 70s (1968–1974) had been unfairly treated and poorly compensated and that he would be making recommendations to address that issue. When his report "We Will Remember Them" was launched in 1998 with great euphoria by the then Secretary of State for NI Dr Mo Molam she said that this was only the tip of the iceberg for Victims/Survivors. The iceberg that she spoke about at the launch was to very quickly disappear once the prisoner releases were secured which was a kick in the teeth for many Victims/Survivors. Furthermore Bloomfield failed to address the issue of the victims of the 70s . He stated in the report that Victims/Survivors of the 70s were unfairly treated and poorly compensated but he added that these cases could not be revisited which was at odds with what he led me and many others to believe. He did lead us up the garden path. I met with Bloomfield sometime later and asked why he stated the cases of the 70s could not be revisited and he told me that was not part of his remit. One wonders why he was appointed Victims Commissionaire when he wasn't given a full remit to carry out the report fairly on behalf of Victims/Survivors and why he visited different parts of the world to consult on how other countries were dealing with the victims of conflict.

Looking back at the Victims/Survivors report “We Will Remember Them” it was Government manipulated to keep Victim/Survivors quiet while the powers to be got on with the underhanded business of prisoner releases. If the Law can be changed to facilitate prisoners out of prison early then the Law can be changed to facilitate the Victims compensation. The old adage what’s good for the goose is good for the gander. I feel that We Will Remember them was a whitewash to placate victims while the Government proceeded with prisoner releases. A copy of Bloomfield’s report is available on the NIO website. These prisoners are free to get on with their lives back by government Victims/Survivors who have been left injured/disabled haven’t been as fortunate.

DEFINITION OF AN INNOCENT VICTIM

I feel that some of the other issues to be addressed is The Definition of a Victim as Bloomfield failed to do this as he said that was for someone else some other day. The Office of the First Minister and Deputy First Minister attempted to do this in their Victims Strategy paper and I like many others find this definition which can be found in section 3. As you are aware there are Victims and there are Innocent Victims. I as a person who has been seriously injured feel insulted to think perpetrators have the same entitlement to victimhood as I and thousands of others who have been killed injured or maimed at the hands of either republican or loyalist paramilitaries. I feel that the families of paramilitaries who were killed injured or imprisoned should not have the same rights to victimhood as the people who were going about their Legal and Lawful way of life when victimhood was bestowed upon them. The majority of people who were to become victims did not want any part of the Troubles until we were dragged into it. We did not choose to be Victims/Survivors.

COMPENSATION

This is a very important issue and needs to be addressed especially for the Victims of the 70’s as explained were unfairly treated and poorly compensated. Bloomfield mentioned this in his report but Government conveniently didn’t address this as they feared it may cost too much. You know that from common knowledge that when you get a festering sore you go to the doctor or hospital and get it seen to, and it is exactly the same with the Compensation Issue it has grown into a bigger festering sore since 1998 because Government failed to address this Issue then. I have said before that if the Government can change the law to let convicted terrorists/murders out of their prison sentences early they should have changed the Law to address the Victims Compensation Issue. I know that we all have to move forward but the Government are moving prisoners on a lot further than the Victims and have given more money to prisoners than they have to Victims. Where is the Justice in that? Remember that it has been the Victims/Survivors who have lost most and have paid the highest price in the peace process and have been treated rather shabbily by successive Governments. Victims themselves need financial help and not just money thrown at the problem which Government has been doing in the past and ‘the one size fits all’ attitude that Government has adopted towards Victims doesn’t work.

UNSOLVED CRIMES OF THE TROUBLES

With Hugh Orde being given £30 million to solve the 1,800–2,000 murders of the troubles whether this brings Justice/closure for the families who have lost loved ones remains to be seen. What bothers me now is the unsolved Crimes/attempted murders during the Troubles. Cases such as mine where nobody was ever brought to Justice. Are these cases just to be ignored or am I not entitled to Justice such as the families of the bereaved are. I could say without any fear of contradiction that the guys who called to my door at 01:30 and put five bullets into me and left me like a dog in a pool of blood meant to kill me. To me that is an unsolved crime of the troubles.

MEMORIAL

Again another topic from “We Will Remember Them” where Bloomfield talks about a Memorial Garden. I am in favour of a Memorial but not in the shape of a Garden as the families of Republican & Loyalist perpetrators/killers would high-jack this and this would become a shrine to the killing machines of both republican and Loyalist organisations leaving it uncomfortable to the families of Innocent Victims to visit. I would suggest a large Water Feature with a seated area around it to be erected at the Front entrance of Stormont. That would remind the Government, politicians and the general public on a daily basis the price that was paid in human life, suffering and pain for the privilege of a Northern Ireland Devolved Assembly. I would also suggest that if this suggestion is acted upon all flags, symbols and emblems would have to be banned to ensure that a safe area is created so as it is free from intimidation /harassment for the families of Innocent Victims visiting this Memorial.

 TRUTH COMMISSION

I feel that an NI Truth Commission is not applicable at the moment. The way certain political parties are behaving and bending the TRUTH to suit their own political and personal agendas stinks. We have had examples such as Martin Maguinness' testimony to the Bloody Sunday Enquiry. ...that he would rather die than divulge information in the questions he was asked so if we are to have TRUTH it must be the full TRUTH and not someone else's half baked perceptions of what the TRUTH is.

One wonders where the "ICEBERG" Mighty Mo spoke about went to. As for We Will Remember Them I think that has long gone out the window. The report was launched in 1998 it is now 2005 and Victims/Survivors are still fighting to have their Issues fully addressed. I hope that the Affairs Committee will be able to address the issues I have outlined here as this incident has totally changed my life and left me a life of pain, suffering, hardship, trauma and other problems. As a person who has suffered over the years I feel that I can only set out what affects me in this submission but I know from hundreds like myself who were killed or injured in isolated incidents throughout the troubles feel that both the Compensation issue and the definition of an innocent Victim would be of major importance to us.

I would be prepared to meet a representative for the NI Affairs Committee to re-enforce and prove what I have said in my submission is true and correct.

 APPENDIX 46

Memorandum submitted by Ms Aileen Quinton

I believe that the NI Select committee is hearing from people with an interest in the issues of the unsolved murders from NI terrorism.

My mother was murdered in the Poppy Day Massacre in Enniskillen in 1987. Until I initiated a dialogue with the PSNI, very recently, I had had no contact from the police since, (three weeks after the bomb), I answered the door to find a police officer standing there with my mother's blood soaked coat in her hands. I have gone for over 17 years not knowing what happened to my mother from when the bomb went off to when my brother identified her. I do not know her injuries or have any information about whether she suffered.

Since the bomb I have been involved in raising awareness of disaster/murder impact. I made a program with BBC2 called "Disaster never Ends" which was recommended as a training video by HO report "Disasters a caring response". The main messages being that the impact goes deeper than people want to believe and that bereaved and survivors need to be meaningfully consulted and not just processed through systems designed and agreed by others. I have given talks about trauma impact, including being asked by Gordon Turnball, who was in charge of the psychological debriefing for the hostages when he was in the RAF. I was also invited to visit the Navy, who used a video of my program as part of their therapy as well as other material that I produced. However, despite this, because I live in London and not Northern Ireland, my chances of being consulted on anything related to being affected by terrorism are severely limited.

I tried for many years to raise awareness, with the Met Police, of the needs of the bereaved for information about the investigation and about what happened to them. I did not really get anywhere until the McPherson Inquiry into the murder of Stephen Lawrence, highlighted the shortcomings in dealing with families of murder victims. I offered my services to the newly established Family Liaison Team. I have been told that my input was critical in the development of Family Liaison in the MPS. Many of my phrases have found their way into the ACPO policy. I also gave input into many of the Family Liaison courses.

The bomb is now being reinvestigated and I have been assured that I will be told what happened to my mother (depending on what is possible to find out at this stage). However I have reason to be concerned about the PSNI's commitment (at the strategic layer) to organisational learning re this issue.

I think that I have something to offer to the debate. However I think it is even more important that both the Select Committee and the PSNI have input on this matter from the National Advisor in Family Liaison at Centrex. He has been immersed in the issues for many years since his involvement in developing the role when he worked in the MPS. He has advised not just nationally but internationally as well. The issues of providing families of past murders in Northern Ireland is a very complex Family Liaison responsibility and his expertise would, in my opinion, be crucial to its success.