

The Ely Centre

Discussion on the NIO Consultation Paper Addressing the Legacy of Northern Ireland's Past

Friday 7th September 2018
10:30 -12:30 Am

Brooke House, Colebrooke Estate



Welcome Remarks from Mr Jim Dixon ,Ely Centre, Chairperson

Panel

Chairperson :

Mr Oliver Wilkinson, Chairman VSS

Mrs Arlene Foster MLA

Democratic Unionist Party

Mr Doug Beattie MC MLA

Ulster Unionist Party

Mr John Beggs:

Commission for Victims and Survivors

Mr Michael Meehan:

Northern Ireland Office

Mr Eoghan Duffy Deputy Director,

Irish Government Department of Foreign Affairs

Discussion Guidance – Mr L McDowell

- Before we begin we are fully aware that within the Victims and Survivors Community, in reference to this consultation and the Legacy Issue a wide spectrum of views and opinions have been raised and are held. We are not here today to discuss the merits of these opinions valid or otherwise.
- Our focus today is solely upon **learning** more of the 4 bodies which have been laid out within the consultation document and **providing feedback** positive or negative on them which will contribute into our Organisational Response.
- **Whether we believe these 4 institutions are necessary or indeed capable of addressing the legacy question will not be considered today as other avenues are available to conduct that.**
- Today's discussion will focus upon the 4 legacy bodies proposed within the Consultation. Commencing with the HIU. Panellists will be asked to provide an overview where appropriate or their opinion on the respective body and then the floor can raise questions through the Chair.

Discussion Guidance

- Please keep your questions , related to the area being covered.
- Please be mindful in your contribution that there are many who have suffered during the troubles who are present in the gathering today and be respectful to those who may hold differing opinions to yourself.
- All Present today agree that the status quo can no longer remain and something needs to be done to support victims and survivors. We welcome to the opportunity to share in the process.
- Trauma support is available if required . Please speak to Any Ely Centre Staff should this be required

Chairmans Remarks

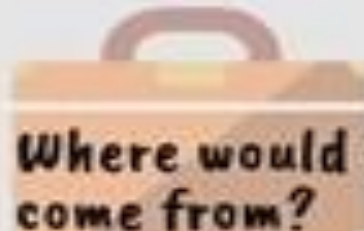
Mr Oliver Wilkinson
Victims and Survivors Service
Chairperson.

NIO Presentation on Legacy Consultation

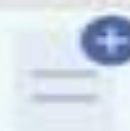
Mr Michael Meehan
Legacy Group
Northern Ireland Office

Dept of Foreign Affairs Views on the Consultation

Mr Eoghan Duffy
Deputy Political Director
Ireland, UK and Americas Division
Department of Foreign Affairs and Trade



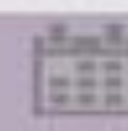
Where would cases come from?



Outstanding cases from
the PSNI and OPONI



Referrals from the Dept.
of Public Prosecutions



Additional deaths
between
11.04.98 - 31.03.04



How would it operate?



Independently



With policing powers



Oversight by the
Policing Board



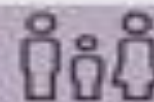
How would it process cases?



Order them
chronologically



Produce a report on
each case



Provide dedicated
family support staff



Aim to complete
caseload within
5 years

HIU Panel Discussion

Followed by Questions from the floor



Ely HIU Comments : Mr Ben Higgins

1: **Dangerous Precedent.** HIU CONTARY TO BRITISH JUSTICE

It is contrary to principles of British Justice for anyone to be identified within an HIU report with a verdict of guilt unless the guilt is proven in court beyond reasonable doubt. The overall reports issued to families will not name the perpetrators whether they are dead or alive, however does the same level of protection apply to officers being investigated for Non Criminal Police Misconduct (HRA /DPA)

2: **Governance** : Creation of HIU is in effect the operation of another Police Force within NI investigating Legacy Issues. The consultation paper does not cover comprehensively the oversight mechanisms of this body . There is no investigation mechanism for dealing with complaints against HIU officers.

3: **Balanced Justice** : over 94% of murders during the Troubles were committed by Terrorist Organisations. Investigation must be proportionate to the statistics and not targeted towards the RUC and Army. There must be no hierarchy of victims with preferential treatment given to those killed, often legitimately by the Police and Armed Forces.

HIU Comments

4: **Remit:** HET Conducted Reviews unlike what is proposed under HIU. For the Troubles to be accurately investigated the WHOLE PERIOD must fall within the Remit of HIU.

5: **Equality of Access.** Serious consideration should be given to individuals who were seriously injured (Loss of Limb/sight/hearing/employment capabilities) to access the services of HIU. Furthermore, those murdered in GB, And Mainland Europe by UK Terrorist Organisations should also be part of the investigation process.

6: **Wrap Around Support:** The risk of increased psychological trauma as a result of investigating the past, must be matched by increased investment into the Health and Well Being Support Services, currently being accessed by victims.

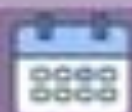
7: **Long Term Funding:** We anticipate this process will not realistically reach its conclusion until 2030 at the earliest. Therefore Investment in Victims Services must run in parallel with this process.

HIU Comments

8: All Island Reciprocity: We welcome the proposed changes in legislation put forward by the Irish Government which will enable An Garda and HIU to share information and for witness statements to be taken on behalf of the Coroners Court NI. The Head of the HIU must give as part of his annual reporting process an indication of the level of information requested and obtained from the Irish State Forces. Same Equally applies to all UK Jurisdictions.

9. Management of Expectations: Victims must be made fully aware of the high probability of non conviction and those supporting victims in advocacy groups must be careful to manage these expectations. Furthering the call for greater investment in Health and WELL Being Support as this will be essential throughout this process. (pre/during and post)

10. Eligibility: RUC Officers should not be hindered from employment with HIU as this breeds the republican narrative of a corrupt force. Many retired RUC Officers were within HET . HIU investigators should be there by merit only.



Would cover
incidents between
01.01.1966 - 10.04.1998
across the
UK, ROI & Europe

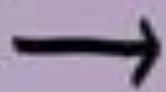


Would not be valid in court
proceedings but there is **NO**
amnesty for information
provision



Could be used in legal
processes if the same
information is obtained
by other means

**How would
the process work?**



Voluntarily;
Individuals request
information about
deaths of relatives



The ICIR would then
proactively seek
information about the
death



A family report would
be produced on each
case



Independently;
agreed by a treaty
between UK & Irish
Governments



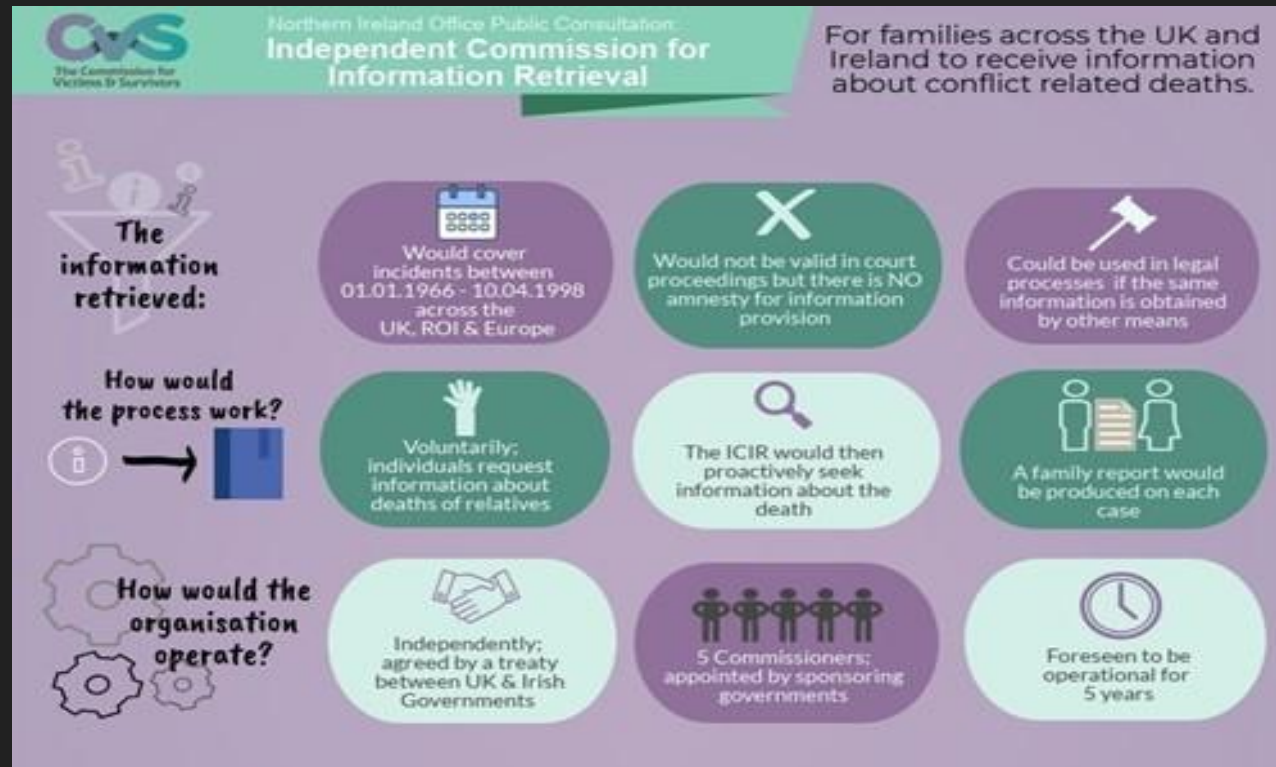
5 Commissioners;
appointed by sponsoring
governments



Foreseen to be
operational for
5 years

ICIR Panel Discussion

Followed by Questions from the floor



ICIR Ely Comments ; Mr Ben Higgins

1: Never Never Land. For a Terrorist, ICIR Involvement is purely voluntary, contrary to the rules of most terrorist organisations. Therefore it is highly improbable that Terrorists or Indeed Victims will engage within this process or if Terrorists do they may do so for an ulterior motive.

2: Sanitising the Truth. There will be no mechanism for the families to verify if the information they have received is true. Also information released will be at the discretion of ICIR, Therefore with truth will be heavily sanitised and cant be used as evidence in the courts.

3: Similar to HIU the ICIR must be subject to vigorous oversight and clear accountability. This oversight is not listed in the proposal with the ICIR have the same status as a Diplomatic Embassy.

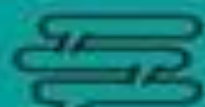
4: Terrorist Organisations will not engage due to fear of reprisals and convictions (Boston Tapes Saga) and new terrorist legislation in the future.



Individuals can
voluntarily share their
narratives and
experiences



**What would
it do?**



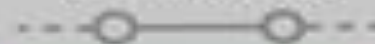
Previous oral history
projects would be
collated into this central
archive



Allow future
generations to hear
the lived experiences
of the past



Produce a timeline and
statistical analysis of
the Troubles



**How would the
organisation
operate?**



Independently, without
political influence

Oral History Archive Panel Discussion

Followed by Questions from the floor



OHA Ely Comments ; Mr Ben Higgins

The Narrative produced must reflect the truth and the facts of the Troubles. The Archive must be similarly proportionate to the work of the HIU with over 90% of murders being conducted by Terrorist Organisations.

Must be subject to vigorous oversight and accountability mechanisms.

Defamation of Police Officers and Army Personnel through this process as it is likely that the glorification of terrorism will be provided an opportunity to express itself within the OHA without any prospect of formal challenge.

How would the organisation operate?



It will be made up of
11 members

Membership

5 main NI political parties
1 from UK Government
1 from Irish Government
Chair appointed by First & Dep.
First Ministers



Members cannot be political
party
elected representatives

What would it do?



Promote reconciliation and
anti-sectarianism



Receive reports from HIU,
ICIR and OHA on patterns
and themes



Receive report from
President of Coroners Service
NI on legacy inquests



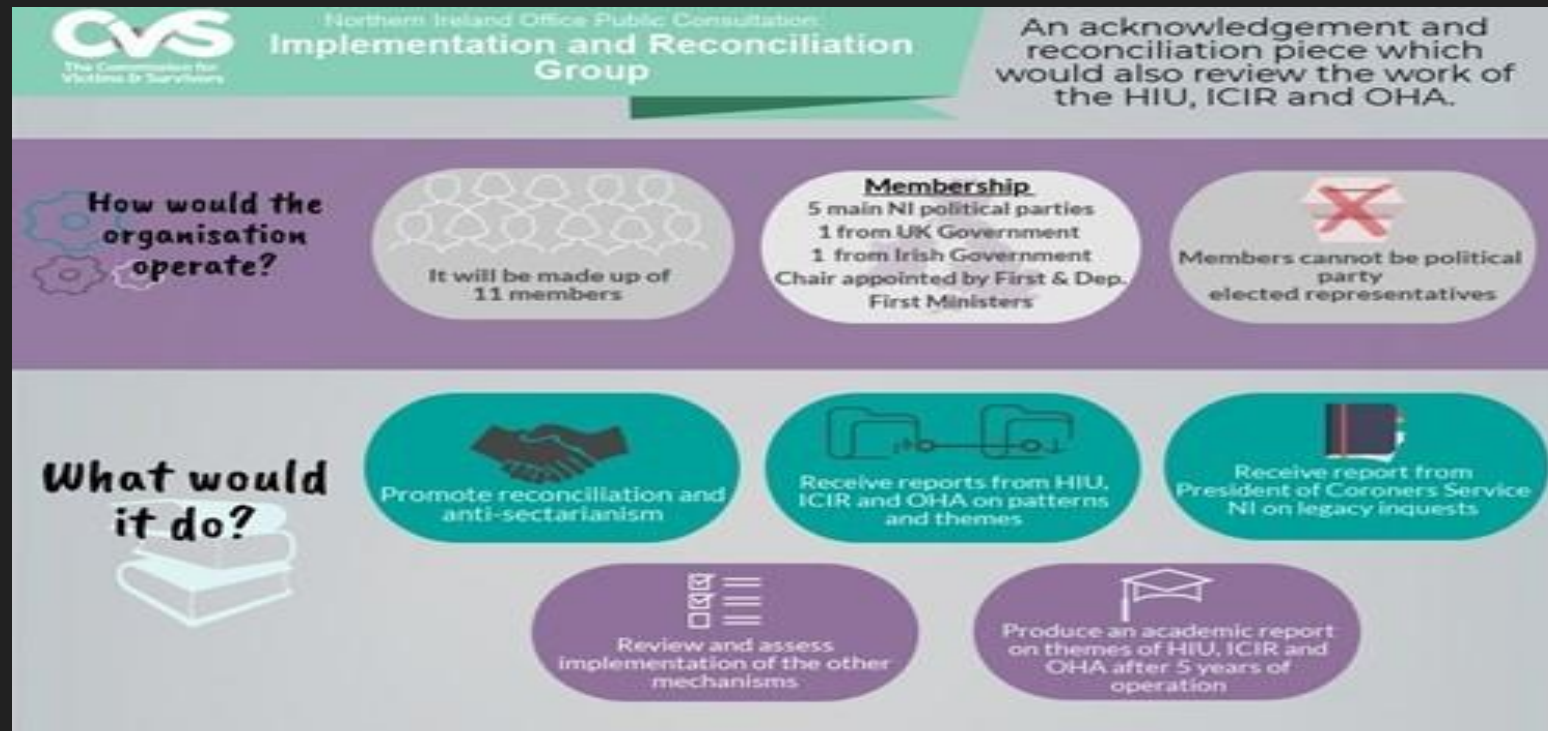
Review and assess
implementation of the other
mechanisms



Produce an academic report
on themes of HIU, ICIR and
OHA after 5 years of
operation

IRG Panel Discussion

Followed by Questions from the floor



IRG Ely Comments, Mr Ben Higgins.

Reports produced by the Academic Group and IRG will form the History of the Troubles and future Schools Curriculums surrounding it. Therefore it is vital that the reports produced are balanced and proportionate to the facts of the Troubles.

The truth must not be sacrificed to obtain political expediency or justification of illegal or terrorist activities. It must be a warts and all reflection of what happened here or the risk of it repeating is greatly increased.

There must be oversight from an International Group of Academics who can provide oversight to the reports produced to ensure fairness and partiality.

Concluding Remarks – Ben Higgins

1: UK Legislation specific for NI- In fairness this has been a workable attempt at the legislation however it has got serious flaws some of which have been highlighted today.

2: This legislation will never satisfy the very real and genuine demands of victims and their families and a realistic management of expectations surrounding this must be considered before we deem this process necessary the same applies to convictions of terrorists and paramilitaries.

3: The PSNI and MOD are stakeholders within this process. How can the MOD on the one hand use their staff to locate and provide the evidence to the HIU in order to convict them and on the other hand provide a level of welfare support to them. There is an obvious conflict of Interest here and it needs to be managed. The same applies to the PSNI in relation to Retired Officers.

Closing Remarks by Ely Chairperson

Mr Jim Dixon

On Behalf of the Ely Centre we would like to Thank our panellists for their attendance and contribution here today and to you for your attendance at todays event. We hope that we provided you with an opportunity to learn more on this Consultation document.

Have a Safe Journey Home