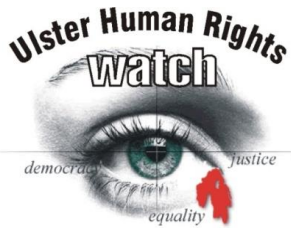


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Addressing the Legacy of Northern Ireland's Past

Does it 'FIT THE BILL' for Victims and Survivors of Terrorism in
Northern Ireland?

Conference
in
Brownlow House, Lurgan
30 August 2018



Introduction

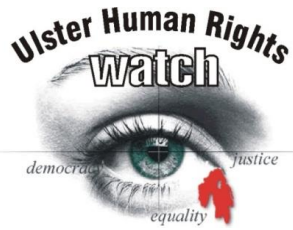
Bertie Campbell

Managing Director

Ulster Human Rights Watch

Conference Agenda

- **Summary Analysis of the NIO Consultation Paper**
- **An Alternative**
- **Questions & Answers Session**
- **Victims' views**
- **Responding to the NIO Consultation Questionnaire**
- **Tea & Coffee**

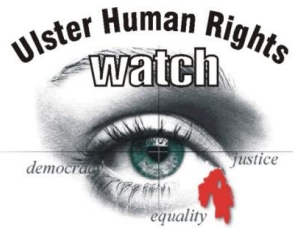


Summary Analysis of the NIO Consultation Paper

Axel Schmidt

Advocacy Support Manager

Ulster Human Rights Watch



Summary Analysis of the NIO Consultation Paper

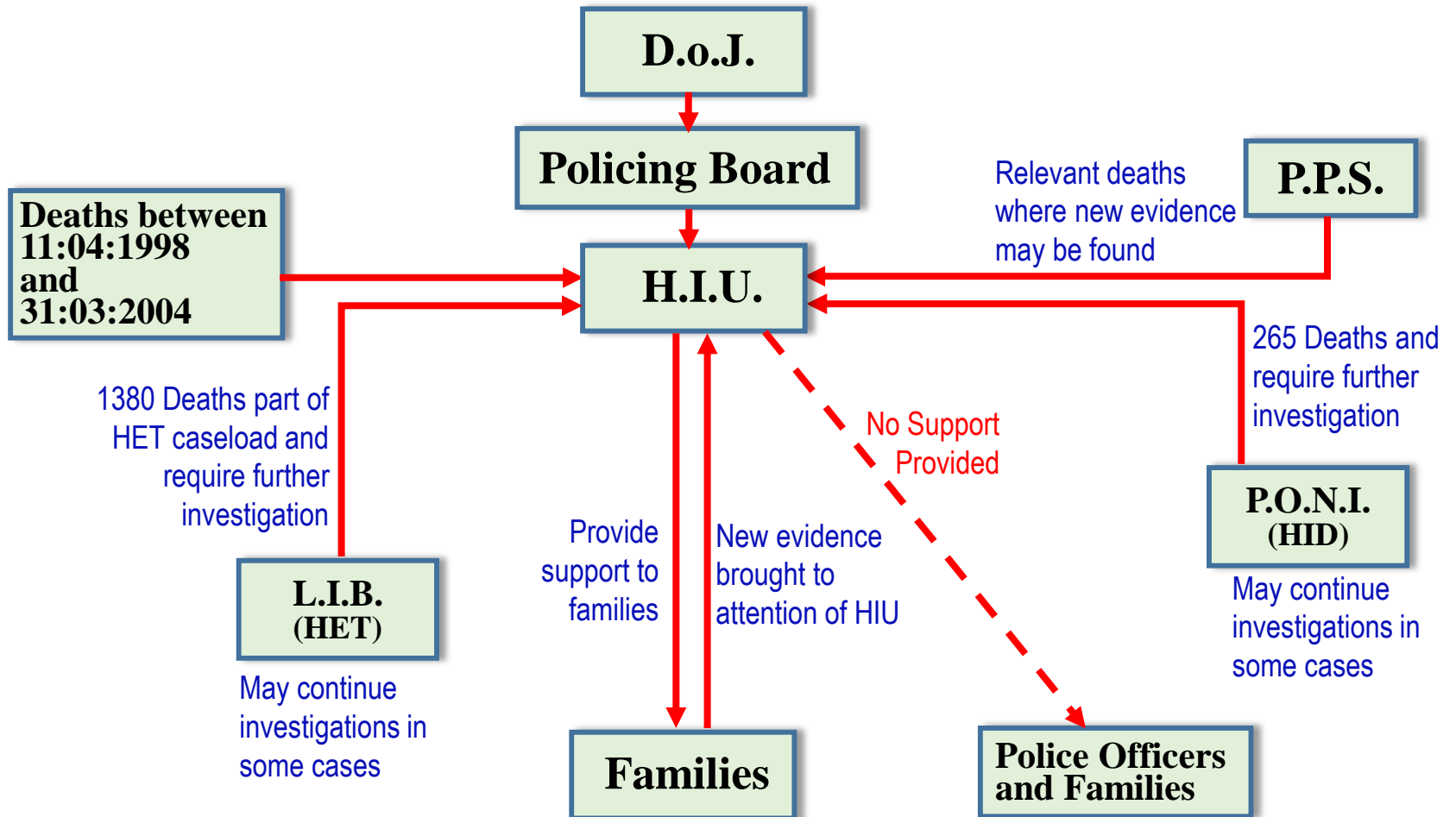
Does it FIT THE BILL for Victims and Survivors of Terrorism in Northern Ireland?

- **Please look at your Leaflet and Notes for Responses**
- **The Historical Investigations Unit (HIU)**
- **The Independent Commission on Information Retrieval (ICIR)**
- **The Oral History Archive (OHA)**
- **The Implementation and Reconciliation Group (IRG)**

I.a. Historical Investigations Unit (HIU)

1. Investigatory Function

Total number of deaths: over 3500 (not injury cases)



I.a. Historical Investigations Unit (HIU) Concerns

Key issues of concern about the proposed HIU

- The HIU will be **contrary** to principles of British justice.
- The focus will be on **security force** members rather than **terrorists**.
- All the attention will be on the **police** not on other professional bodies.
- **Not all investigations** will be transferred to HIU by the PSNI and PONI.
- Serious injury cases **will not be dealt** with by HIU but by PSNI and PONI.
- HIU **will not investigate** cases for which an HET Report was issued.
- HIU will have substantially the **same rules** as those applied by PSNI & PONI.
- HIU will be unfair and degrading for **retired police officers** who could be named and shamed for **misconduct**.
- **No** police officers investigated or their families **will receive support**.
- HIU will generate **false expectations** for victims and their families.

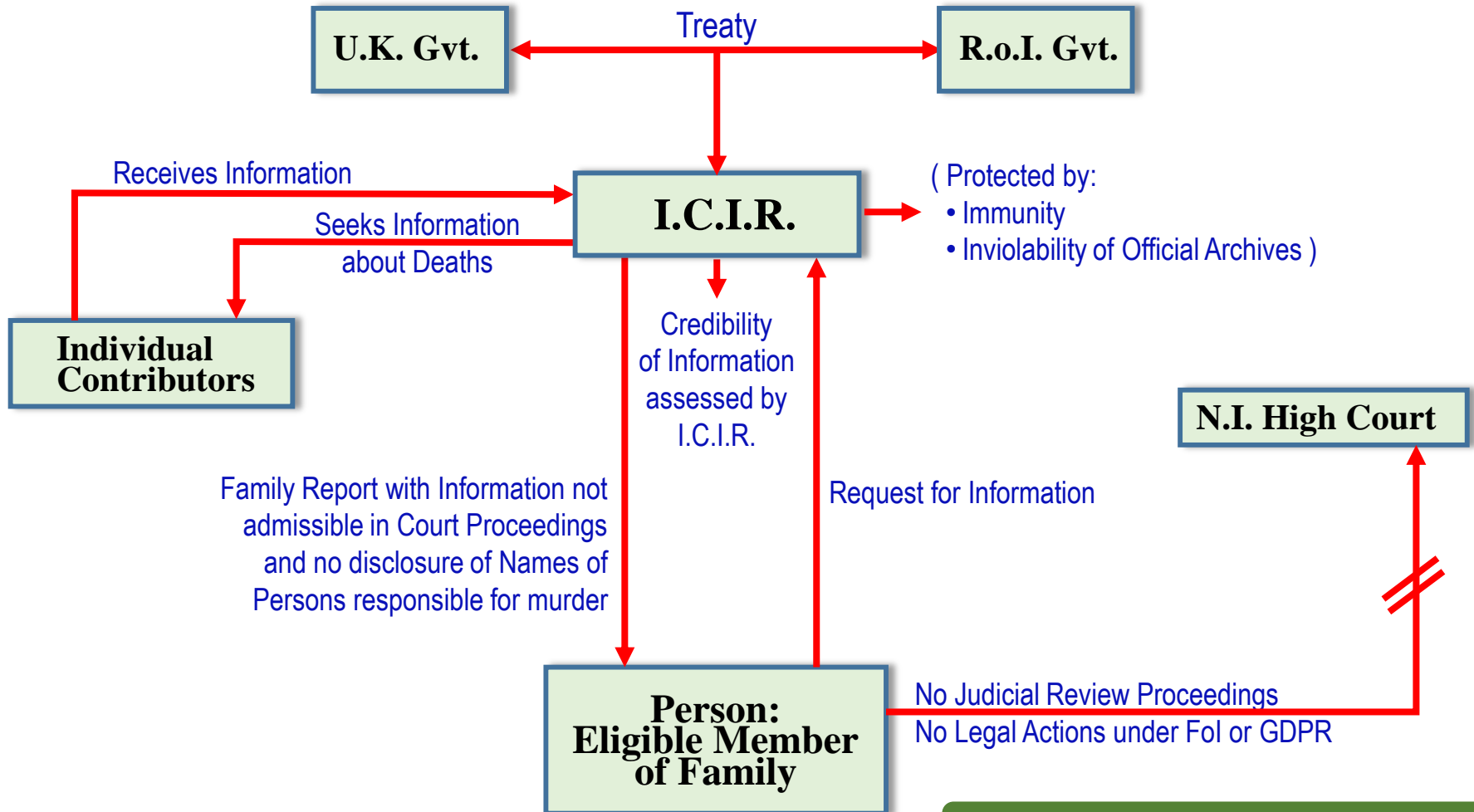
I.a. Historical Investigations Unit (HIU) Concerns

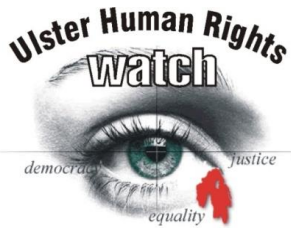
Key issues of concern about the proposed HIU (suite)

- Victims of terrorism will have **no control** over annual reports content produced by the HIU.
- Annual Reports will focus on the **security forces** while **terrorists** will escape scrutiny.
- After five years a report on **unknown patterns** and **themes** will be sent by the HIU to the Implementation and Reconciliation Group(IRG).
- This “principal report” will **not** be made available to the public.
- The **cost** of setting up this new body is likely to be prohibitive.
- It will take **several years** before the HIU becomes fully operational.
- It is **unlikely** that the work of the HIU will be completed in five years.
- The HIU and its processes may **discourage** victims and survivors.

II.a. Independent Commission on Information Retrieval (ICIR)

1. Information Retrieval Function





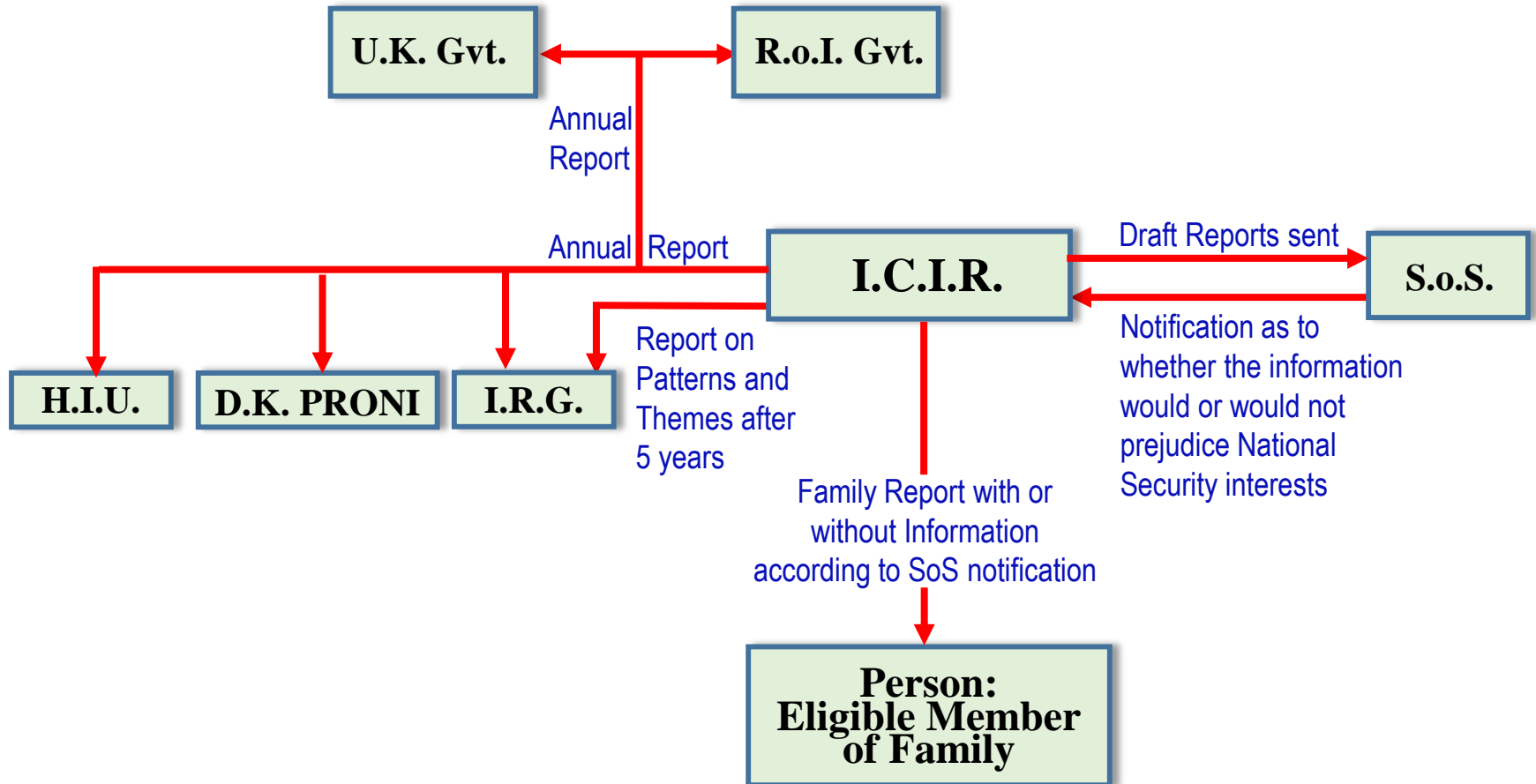
II.a. Independent Commission on Information Retrieval (ICIR) Concerns

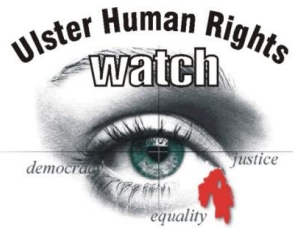
Key issues of concern about the proposed ICIR

- This process allows terrorists to confess their crimes **in all impunity**.
- ICIR will control information received but victims will **not** have direct access to it.
- Information could **never be certified** to the same court standard.
- Victims will **not** be able to check the veracity of the information received (as was the case with the Independent Commission for the Location of Victims Remains (ICLVR)).
- Information released to the families will **not be admissible in court**.
- The names of those responsible for murder will **not be disclosed**.
- Information may be **withheld** by the Secretary of State for security reasons.
- The limited information released may leave families **disappointed and frustrated**.
- Families will be **barred from access** to the courts to seek remedies against the ICIR.

II.a. Independent Commission on Information Retrieval (ICIR)

2. Reporting Function





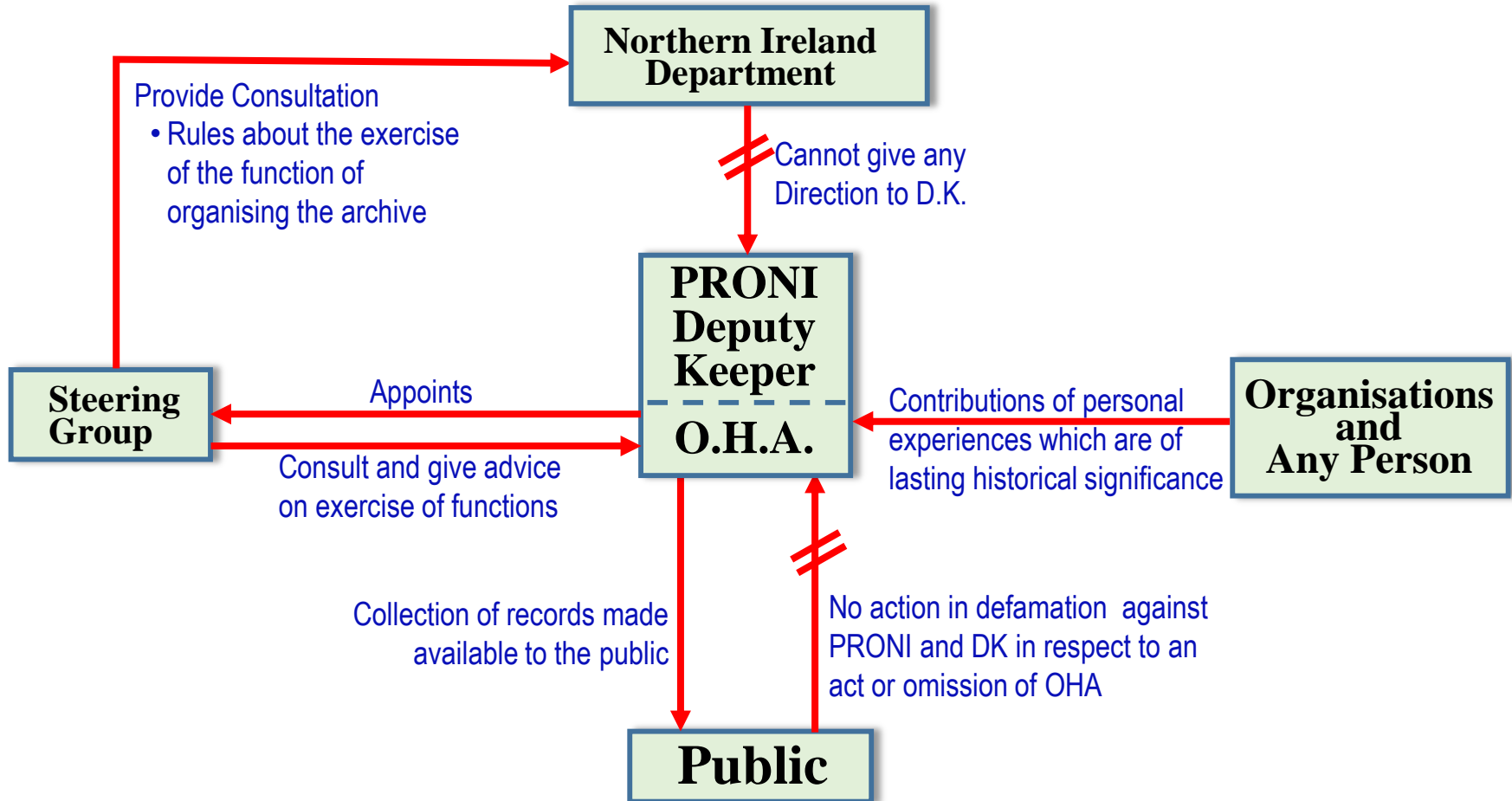
II.a. Independent Commission on Information Retrieval (ICIR) Concerns

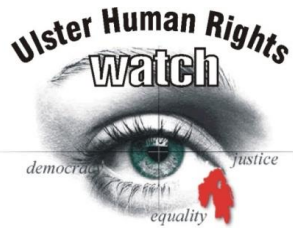
Key issues of concern about the proposed ICIR

- Victims of terrorism will have **no control** over annual reports content produced by the ICIR.
- After five years a report on **unknown patterns** and **themes** will be sent by the ICIR to the IRG.
- This “principal report” will **not** be made available to the public.

III.a. Oral History Archive (OHA)

1. Organising Function



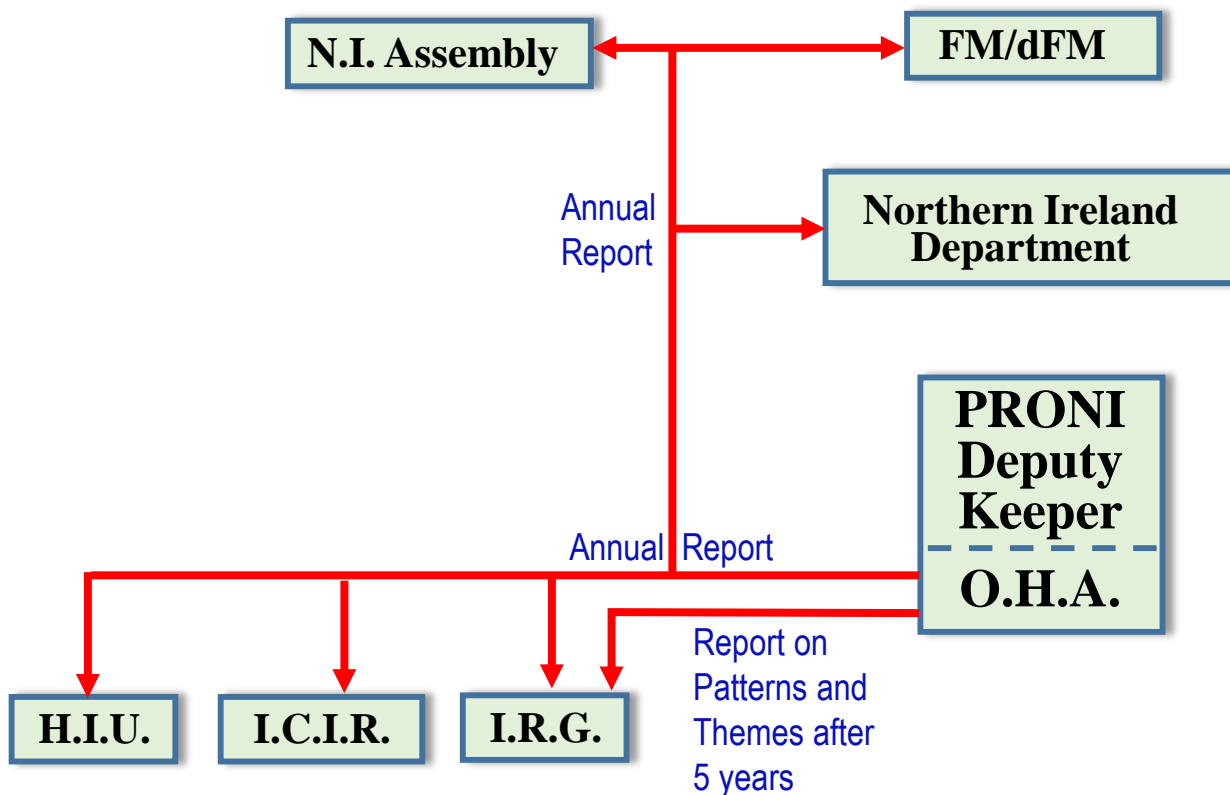


III.a. Oral History Archive (OHA) Concerns

Key issues of concern about the proposed OHA

- The NI Department will **not** be able to give directions to the D.K. about OHA.
- A **Steering Group** will provide advice on the organising of the archive.
- Terrorists and sympathisers will be able to tell **stories glorifying their exploits**.
- Terrorists will use this means to **vilify the security forces**.
- These stories will **harm and cause distress** to victims of terrorism.
- The OHA may receive stories about the Troubles that may **not be true**.
- Families will **not** be able to check the veracity of information received by OHA.
- There will be **no legal action in defamation** possible in relation to the OHA.

III.a. Oral History Archive (OHA) 2. Reporting Function



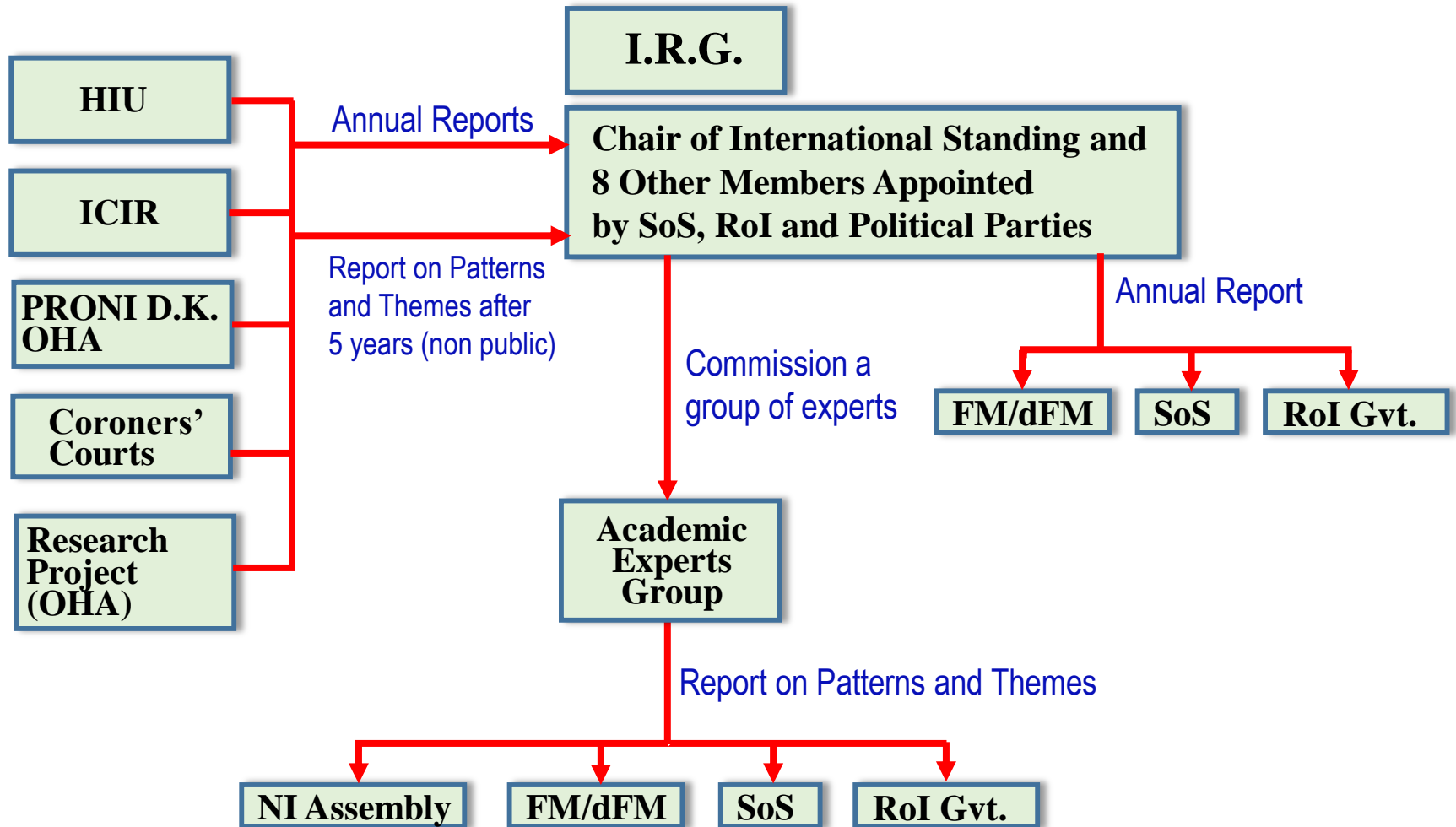


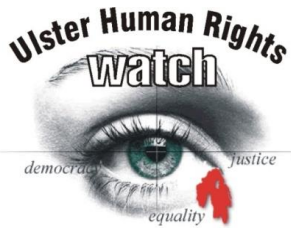
III.a. Oral History Archive (OHA) Concerns

Key issues of concern about the proposed OHA

- Victims of terrorism will have **no control** over annual reports content produced by the OHA.
- After five years a report on **unknown patterns** and **themes** will be sent by the OHA to the IRG.
- This “principal report” will **not** be made available to the public.

IV.a. Implementation and Reconciliation Group (I.R.G.)

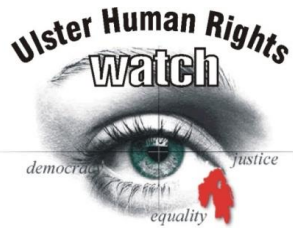




IV.a. Implementation and Reconciliation Group (I.R.G.) Concerns

Key issues of concern about the proposed IRG

- Members of the IRG will be appointed by politicians, including the **RoI Government**.
- Over a period of 5 years **15 annual reports** will be produced by HIU, ICIR and OHA and sent to the IRG over which content victims will have **no control**.
- Annual reports produced by IRG and sent to UK and ROI Governments and the FM/dFM will **not** be made available to the public.
- After five years HIU, ICIR, OHA and the Coroners Service will each produce a “principal report” on **unknown patterns** and **themes**.
- The reports on **patterns** and **themes** will **not** be made available to the public.
- The IRG will commission an **academic group** to produce an academic report.
- The academics will be **barred from considering** any material or evidence relating to the whole of the Troubles.
- The final report may well be an attempt to **justify terrorism** and to **re-write the history** of Northern Ireland.

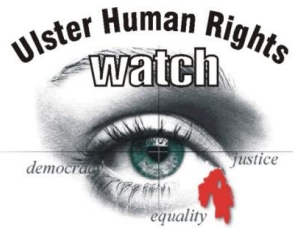


Summary Analysis of the NIO Consultation Paper Doesn't FIT THE BILL for Victims and Survivors of Terrorism in Northern Ireland



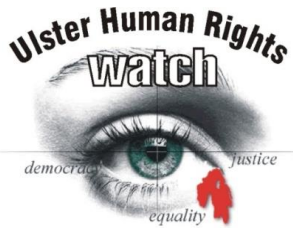
- Truth
- Justice
- Acknowledgement
- Rewriting of history
- Justification of terrorism
- Defamation of innocent victims
- Witch-hunt of security forces
- Exclusion of HET cases/Injuries
- Impractical structure/costs
- Compensation not addressed





An Alternative

- **The Fundamental Principles**
- **The Historical Investigations Unit (HIU): *to deal with criminal investigations (all deaths and injuries) only***
- **The Police Ombudsman for Northern Ireland (PONI): *to deal with investigation related to police conduct***
- **The Intelligence Retrieval Commission (IRC)**
- **The Legacy of the Past Record (LPR)**
- **The Committee for Peace and Freedom (CPF)**

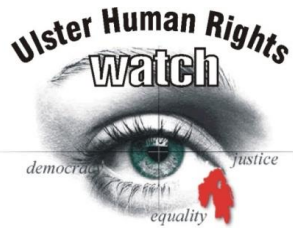


Questions and Answers Session

Mr Ben Lowry, Deputy Editor News Letter

Neil Faris, Solicitor

Axel Schmidt, Advocacy Support Manager

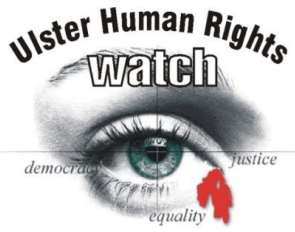


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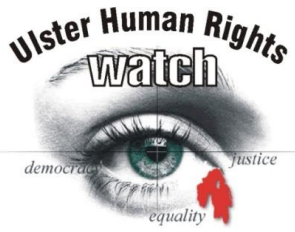
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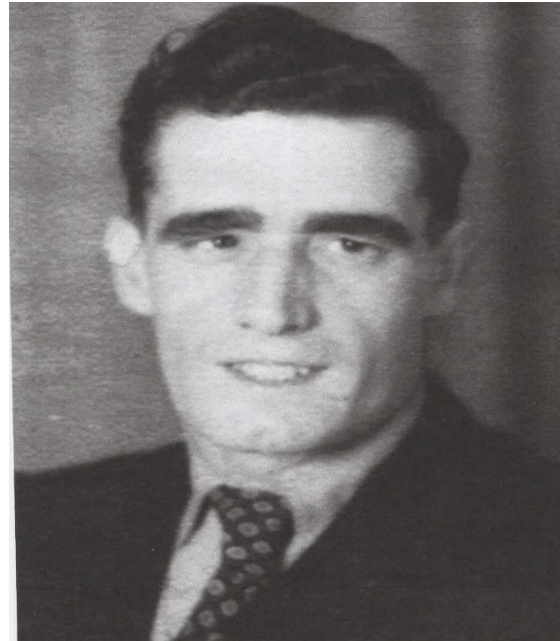


Victims' views

Mrs Mary McCurrie

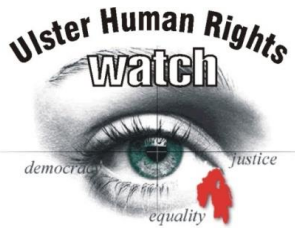


Victims' views: Mary McCurrie

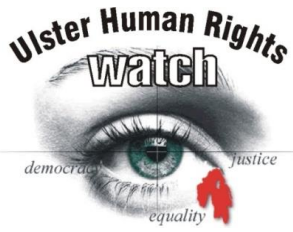


JAMES McCURRIE
HUSBAND, FATHER, FRIEND
INNOCENT VICTIM OF TERRORISM
MURDERED ON 27th JUNE 1970

Truth and Justice for Victims



Responding to the NIO Consultation Questionnaire



Responding to the NIO Consultation Questionnaire

***Before answering the
questions with the Notes for
Responses please
read the Leaflet***

Question 1: Current system for addressing the past

Do you consider that maintaining the current system for dealing with the issues of the past through legacy inquests, PSNI and OPONI investigations is the right approach?

- NIO proposals create **4 new bodies**: HIU, ICIR, OHA, IRG
- In addition to those that **already exist**: PSNI (LIB), PONI, Coroners Service, Attorney General, PRONI, PPS and the Courts.
- Overall: **PSNI** to review and carry out criminal investigations, **PONI** to investigate allegations in relation to the conduct of the police and the **Coroners Service** to deal with legacy inquests is a sensible approach.

Question 2: Stormont House Agreement proposals

Does the proposed approach help to ensure all groups of people can effectively engage with the legacy institutions?

- Are the proposals **unfair to retired police officers?** (access to security forces records and **no** terrorist records).
- Are the proposals **unfair to victims of terrorism?** (terrorists and their sympathisers will be able to use the **OHA** to recount their exploits while vilifying the security forces).
- Is it right that terrorists will be able to use the **ICIR** while **victims will be unable** to verify and challenge the information they received?
- Is there a risk that **patterns** and **themes** developed over a period of five years and sent to the IRG will be used to **justify terrorism and re-write history?**

Question 6: HIU - overall view

Does the HIU provide a method to take forward investigations into outstanding Troubles-related deaths in a proportionate, victim centred manner with an appropriate structure and safeguards?

- *Do you agree that the investigations of the HIU should be carried out in a 'victim centred' manner considering that the **interpretation of a victim** according to The Victims and Survivors (N.I.) Order 2006 equates **victims of terrorism with perpetrators** of acts of terrorism?*
- *The HIU will have **access to all records** concerning the security forces actions while there will be **no records in relation to terrorist actions**. Do you believe their investigations will be **balanced and fair**?*
- *Do you agree with a report on **patterns and themes** to be sent to IRG?*

Question 8: Independent Commission on Information Retrieval

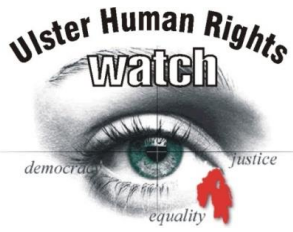
Do you think the ICIR is structured correctly, with the right powers and protections?

- Do you think it is right that information received from the ICIR will **never be certified** as evidence to the same standard as it would be in the criminal justice system?
- Victims will **never be able to verify the information** received from ICIR. Do you think this is right?
- The ICIR will be **unaccountable**, meaning that no-one will be able to take a complaint to any court against the ICIR. Do you think that it is right?

Question 9: Oral History Archive

Do you think that the Oral History Archive proposals provide an appropriate method for people from all backgrounds to share their experiences of the Troubles?

- *Under the proposals, the OHA will accept experiences submitted by any individual, even **if they libel or treat others unfairly**. Do you agree with this?*
- ***No legal action in defamation** will be possible against the Deputy Keeper (PRONI) in relation to the OHA. Do you agree with this?*

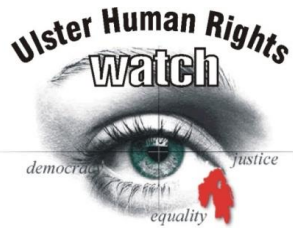


Question 14: Other views on the past



Do you have any views on different ways to address the legacy of Northern Ireland's past, not outlined in this consultation paper?

- *Do you think it would be better for the **HIU to deal with criminal investigations** and for the **PONI to deal separately with allegations of police misconduct**?*
- *Do you believe that a new body should be established for **releasing the names of dead terrorists** that were involved in major fatality or injury incidents to victims?*
- *Do you think that PRONI should simply open a **'Legacy of the Past'** record without introducing new legislation?*
- *Do you believe that **policies** and **educational programmes** drawing on the experience of the Troubles, should be used to **prevent** a repeat of **terrorism and radicalisation** of Northern Ireland society in the future?*

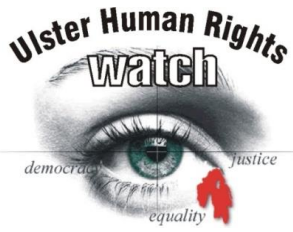


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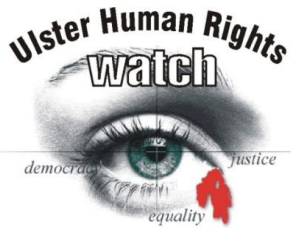
Tea and coffee

“We are here to help”

***Notes for Responses,
Leaflet and slides are on the
UHRW Website:***

<https://www.uhrw.org.uk>

Please fill in the Evaluation Form



With thanks to you all



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