

The UK – a functioning democracy?
Where innocent victims are being blocked from exercising their legal rights?

I firstly want to highlight the law, as a key principle of democracy.

'Democracy is a system of rule by laws, not individuals. All citizens are equal under the law. In a democracy, the rule of law protects the rights of citizens, maintains order, and limits the power of government. No one may be discriminated against. No one may be denied their freedom without a fair and public hearing by an impartial court. No one is above the law. The law is fairly, impartially, and consistently enforced, by courts that are independent of the other branches of government'.

Despite this, many victim's across Great Britain state that this key principle of democracy is not being exercised to protect their rights. This leaves many innocent victims with unanswered questions about why they aren't being treated fairly under the rule of law and crucially, why the government continues to abandon and ignore them as a group.

Mark Tipper, brother of Simon Tipper who was tragically murdered at the age of 19, states that on "the 20th July 1982 we were made victims by the Hyde Park Bombing, nearly 36 years later we still remain victims, this time by our government". Many victims and families are beginning to lose respect for our democracy, especially as they feel others appear to be above and protected by the law - innocent citizens continue to feel powerless. We are told that you "cannot take law into your own hands", but that is predicated by the idea that it is in somebody's hands and it is not properly administered. Law should give the incentive to do the 'right thing', but if innocent victims continue to feel let down by those in 'power', this may begin to have a counter effect, by potentially motivating people to "take the law into their own hands".

The demise of legal aid

In order to ensure all are equal before the law it is crucial that the legal aid system is properly funded, otherwise it is extremely difficult to have a fair trial, where the facts of a case decide the outcome. As a result of cuts to public services, due to austerity measures, as well as increasing court/tribunal fees the majority of UK citizens now have no access to legal aid. "Our justice system has become unaffordable to most" (Lord Thomas of Cwmgiedd, Britain's most senior judge, 2017).

Further, "Being a victim will most likely have a negative impact on your finances, so a squeeze on legal aid is likely to disproportionately disadvantage victims of terrorism, unless measures can be put in to safeguard their rights" (Aileen Quinton, 2017). Aileen tells me her mother Alberta Quinton was "murdered by the Enniskillen IRA bomb", that exploded before a Remembrance Sunday memorial ceremony on November 8, 1987.

In this context, innocent victims of the Northern Irish 'Troubles' have the added difficulty of accessing public funds, due to the complexity of the political backdrop, which is likely to have led the Legal Aid Agency to use its discretion for a number of cases to reject an application, often, on the basis it is not 'in the public interest' to provide public monies to victims, to prosecute suspected perpetrators.

Aileen states that from a victim's perspective it is "yet another punishment for the victims and another win for the terrorists".

This seems barbaric to the rationale mind – how much longer can the Legal Aid Agency stand by the principles of being 'fair, impartial, and consistent, as well as independent of other branches of government and other individuals?'

In conclusion, we need to continue to empower victims and survivors to use their voices and lobby with victims to question the Legal Aid Agencies distribution of public money. There is no doubt that there will be hurdles and blocks in this pursuit of justice for innocent victims, as ultimately "it is rather inconvenient for the government, when people are able to exercise their rights" (Patrick Allen, 2016).

If you have any thoughts, comments or ideas relating to this article, please do not hesitate to contact me.

Kind Regards
Yasmin



Advocacy for Innocent Victims Newsletter



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Dear Member

I hope you all had a rich and rewarding Christmas , and the New Year will be favourable to you all.

I attended a recent meeting where the subject of 'statute of limitations' for the Security Forces was discussed. The opinion of academics and others is that if a 'statute of limitations' comes into law, this could give the same exoneration to non-state actors (terrorists) as it would be illegal under European Human Rights law (ECHR) to give it to the Security Forces and not to the terrorists. Furthermore, opinion is that even if this statute is enacted, it could be challenged in the ECHR courts as the State must be held to a higher standard than non-state actors. Therefore the result could mean that all terrorists could avail of a 'statute of limitations' whilst the Security Forces could still be pursued through the courts.

I never agreed with a 'statute of limitations' as it equated the Security Forces to the terrorist, and it also exposes the dangers of legislation of this nature. I am seeking legal advice on this matter, and will write further on this subject in the next Newsletter.

Regards

Ken

Can you help?

Later this year we plan to launch a quilt dedicated to the innocents murdered by the IRA on mainland Europe.

My research has been interesting and I feel a responsibility to both the victim and their family. I don't wish to re-traumatise family members by "cold calling" which is why I'm asking for your help.

I have already got contacts for four but could you help me trace the families of:

Andre Michaux, a Belgian banker, murdered in Brussels in May 1979.

Mark Coe of the British Army murdered while off-duty outside his home in Bielefeld, West Germany, on February 16, 1980.

Ian Shinner, Millar Reid and John Baxter (RAF) murdered in separate incidents in the Netherlands (Roermond and Nieuw-Bergen) on May 1, 1988.

Richard Michael Heakin, a Warrant Officer 1st Class of the Royal Regiment of Wales, shot dead on August 12, 1988 in the Belgian port of Ostend.

Maheshkumar Islania of the RAF murdered along with his six-month-old daughter Niurati while off-duty and filling his car at a fuel station in Wildenrath, West Germany, on October 26, 1989

Major Michael Dillon-Lee shot dead outside his house in the Army married quarters in Dortmund, West Germany, on June 2, 1990.

I would be really grateful of any help or advice .

You can contact me on 07860850003 or ann.travers.afiv@seff.org.uk

Regards Ann

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The Political Leadership of Barry McElduff

I woke early Saturday morning (6th Jan) and opened my iPad to read the news. I then had a quick look at Facebook, and saw to my horror the image of Barry McElduff; I do not have to explain to anyone now the actions of McElduff.

After attending the service for the Kingsmill victims the previous day, I had been made aware of Republicans using the connection with a Kingsmill loaf and the atrocity in 1976. I was therefore absolutely astonished that such a senior politician could act out this same revolting portrayal on social media. Was I surprised, to be honest yes I was, but at the same time I was absolutely dismayed that this is what Barry McElduff thought of the Kingsmill victims and correspondingly, victims in general. This also led me to question whether McElduff, who felt empowered to make this portrayal, was representative of the same view within Sinn Fein and by extension, the Republican community of Northern Ireland.

I felt it was my duty as someone who works on behalf of victims and survivors to both inform the public by the same social media, Facebook, and also make a complaint to the police. This was without doubt a hate crime, and I reported it as the same to the PSNI, as did many other people.

Over that weekend nothing was heard from Sinn Fein until Monday morning, when Declan Kearney wholly condemns the actions of his party colleague, and it seemed that McElduff was to face serious punishment by his party. However, the penance was so trivial that it made things worse by the very fact that it was recognised by Sinn Fein that what McElduff did was wrong but they found it so inconsequential that they deemed a three-month suspension with pay was a suitable reprimand.

Sinn Fein were aware that the whole episode was a public relations disaster and they needed to take control of the situation. Gerry Adams, Mary Lou McDonald and Michelle O'Neill had suddenly become camera shy.

The BBC programme, The View, aired on Thursday 11th hosted by Mark Carrothers featured Edwin Poots and John O'Dowd. It was anticipated that the programme could be quite confrontational and it was quite obvious the direction the programme would go.

J O'D *What happened at Kingsmill was wrong, it was sectarian and regardless of who carried it out, whether it was the IRA, or others or people acting from the IRA, it was wrong and we have condemned it in the past. And I add my condemnation to it tonight. It was wrong when it happened and it is wrong today.*

MC *Do you accept it was a purely sectarian murder where ten men were killed simply because they were Protestants?*

J O'D *Yes; it was shameful what happened on the roadside in South Armagh that night. Absolutely shameful, and as a Republican, I am shamed by it. Those who carried it out should be ashamed. I am one of many now of Republican leaders who said that what happened at Kingsmill was wrong and those who carried it out did not, in any way, advance the cause of Irish unity in any way, or in any fashion. And we have caused it. That is why I say, I am not surprised the Kingsmill families are so annoyed, and will not believe what Sinn Fein have said. Because Republicans have hurt and harmed them, but there is a responsibility on the broader Unionist politicians, as there is a responsibility on Republican politicians to move this society forward; that's our responsibility.*

MC *Can I take that one step further. You have said in very clear terms that you are ashamed for what happened, it was completely wrong, unforgiveable and inexcusable. Would you like to see the people responsible for that brought to justice?*

J O'D *The families of Kingsmill have a right to access justice, just as every other family who have lost loved ones over the years. There are many, many families out there who have not seen the perpetrators who killed their loved ones brought before the courts. All those families deserve access to justice, and the Kingsmill families deserve access to justice.*

EP *I welcome what John has said, and I would say, what happened to John's family was wrong as well. That should never have happened. We have a history of people being killed on one side or another. After 25 years and close to 4,000 deaths, and tens of thousands of injuries, it hadn't achieved anything.*

I think most were quite surprised to see how responsible and behaved both guests were, they showed humanity and compassion at a very difficult time. After giving it some further thought I had my own views, as will you. Were these weasel words or a genuine reflection by John O'Dowd? The mood had completely changed from the slanging that took place earlier that day between Edwin Poots and Gerry Kelly. It almost seemed as if there had been a conscious decision by both parties who they represent, to take a step back from the rancour caused by Barry McElduff. Yet the view of McElduff remained of him in the shop with a loaf on his head, and why was John O'Dowd on the TV, where were the Sinn Fein leaders? Was this Sinn Fein PR kicking in, presenting a sympathetic public face represented by John O'Dowd whose family have been badly affected by Loyalist terrorists.

Sinn Fein immediately saw some chance to regain lost ground after the release of the Brian John Spencer cartoon depicting Gerry Adams with a loaf on his head with ten red blood lines coming from what looked like the Kingsmill workmen's bus. The timing of the release of this cartoon was somewhat misguided, even though the message exposed was the Sinn Fein 'Trojan Horse' – Equality, it was equality on their terms.

It was the same equality exposed recently by Diane Woods following the murder of her Uncle and Aunt in 1972.

<https://www.newsletter.co.uk/news/i-m-not-shocked-by-mcelduff-video-the-ira-mocked-my-dead-relatives-1-8325821>

The same equality Noel Downey received following his attempted murder.

<https://www.newsletter.co.uk/news/ira-bomb-survivor-taunting-atrocity-victims-devastating-1-8322802>

The equality shown at the 2013 Castlederg republican parade that traumatised so many innocent victims in that area

<https://www.independent.ie/irish-news/unionists-protest-peacefully-at-ira-commemoration-march-in-castlederg-29490293.html>

It was as Colin Worton said in the News Letter on 12th January, time for Sinn Fein to go a step further.

<https://www.newsletter.co.uk/news/o-dowd-remarks-now-ira-must-take-final-step-says-victim-1-8327265>

Time for Sinn Fein to accept that victims were not merely 'collateral' in their grubby sectarian encounter of those terrible thirty years. Time to admit wholeheartedly that it was all wrong, time to agree that there was a better way, time to admit that it was the IRA who carried out the Kingsmill atrocity. It is also time for Sinn Fein to stop differentiating between 'innocent' victims; loyalist and republican terror was the same. I really could go on and on, but ultimately it is time for Sinn Fein and others, to show full consideration to the plight of victims. We were not collateral, and it is time to heal this society by exposing those who committed these crimes.

Ken Funston