

## Where are all our innocent victims?

According to the book *Lost Lives*, over the course of the 'Troubles' there were 3,720 conflict-related deaths that occurred between June 1966 and November 2006. We are aware that the majority of these deaths occurred in Northern Ireland, although there were a number of fatalities in Great Britain (GB) and the Republic of Ireland (RoI).

There is also a total official figure of 40,000, of those that were injured during the 'Troubles', across Great Britain, the Republic of Ireland and Northern Ireland.

*Lost Lives*, also states that the number of security force casualties during the 'Troubles' amounted to 1,012.

The violence that resulted in these harrowing statistics has ceased, although there are still thousands of innocent families and individuals, who were impacted by the 'Troubles', who must be living in corners of the UK, with either very little or no support. What help and support are they receiving, how many are still alive, and where do they now live?

In Northern Ireland, there have been a number of studies conducted, including a comprehensive study called 'The Cost of the Troubles', which aimed to ascertain how many victims/survivors have been directly impacted.

The strength of civil society in Northern Ireland is also responsible for the provision of relief and support to victims and survivors, even in very rural regions. These services also provide information on the location and number of victims in certain areas. The community's closeness and approach 'you should look after your neighbour' within Northern Irish culture, also seems to help identify where victims are and whether they are getting the support they need. Thanks to this closely-knit society, individuals and families who require care have less chance of being neglected.

There are a number of victims/survivors who now reside outside of Northern Ireland, due to either fleeing during the 'Troubles', being a military family or an atrocity having occurred in another part of the UK. However, when it comes to looking at victims/survivors outside of Northern Ireland, there have been very few wide-reaching studies conducted. In addition to this, a lack of education about the period of the 'Troubles', coupled with a more individualistic approach within society in GB has resulted in a complete lack of awareness as to where our victims are geographically, what their needs are and what support they are receiving.

We need an equitable approach where all victims/survivors can have access to quality services, irrespective of geography. Although, in order to provide these services, we first need to understand where hidden victims/survivors of the Troubles are residing and whether the proposed services will properly meet their needs. From interactions with local councils, MPs, GPs and social services across GB, it is apparent that many of these bodies we rely on don't even know that their constituents are victims/survivors of the 'Troubles' era.

At present, society works on the assumption that victims/survivors have remained in the same area where an atrocity occurred, with some exceptions. We are also relying on the fantastic work of civil society to promote services and support victims/survivors within the community.

It is time that the UK government took it upon themselves to conduct a long overdue extensive study to locate all victims/survivors of the 'Troubles', and to ensure that they are being properly looked after. It is the least they can do.

Yasmin



# Advocacy for Innocent Victims Newsletter



AfIV Office (C/O SEFF), 1 Manderwood Park,  
1 Nutfield Road, Lisnaskea  
Co Fermanagh BT92 0FP

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For general Advocacy queries please contact the SEFF Office on (028) 6772 2242 or email [advocacy@seff.org.uk](mailto:advocacy@seff.org.uk)

To contact Ken Funston by email [ken.funston@seff.org.uk](mailto:ken.funston@seff.org.uk) or mobile 07834488635

To contact Ann Travers by email [ann.travers.afiv@seff.org.uk](mailto:ann.travers.afiv@seff.org.uk) or mobile 07860 850003

To contact Pete Murtagh by email [peter.murtagh.afiv@seff.org.uk](mailto:peter.murtagh.afiv@seff.org.uk) or mobile 07860 850004

To contact Wendy Stewart by email [wendy.stewart.afiv@seff.org.uk](mailto:wendy.stewart.afiv@seff.org.uk) or mobile 07860 850008

To contact Yasmin Wright by email [yasmin.wright.afiv@seff.org.uk](mailto:yasmin.wright.afiv@seff.org.uk) or mobile 07860 850 017

Dear Member,

This month we have mainly concentrated on the Consultation of the Stormont House Agreement (SHA). Three and half years after the original 'agreement', the NIO have produced a draft bill that I believe will fail to deliver for Innocent Victims. The bill, that remained hidden until a few weeks, ago appears to concentrate on the State and once again ignore the activities of the terrorist. I have covered the main issues overleaf that are relevant to the HIU, the investigatory body replacing the HET.

We waited all this time hoping for something better, I am disappointed.

I implore you to respond to the NIO with your views, this bill is both important and potentially dangerous. Please attend one of the Consultation Events organised by AfIV supported by SEFF, that will help you make an informed decision. Remember, you don't need to rush this, you have until the 10th September. If you need any assistance, please contact any of the advocates.

You may respond in the following way:-

Online at:

[www.gov.uk/nio](http://www.gov.uk/nio)

OR

Email to:

[legacyconsultation@nio.gov.uk](mailto:legacyconsultation@nio.gov.uk)

Write to:

Legacy Policy Team,  
Northern Ireland Office,  
Stormont House,  
Stormont Estate,  
Belfast,  
BT4 3SH

Kind Regards,

Ken



## The Stormont House Agreement—The Issues and the Inherent Dangers

The Consultation period on the Stormont House Agreement (SHA) has begun, closing on 10th September. AfIV, supported by SEFF, had their first consultation event in the Killyhevlin Hotel, Enniskillen, on Monday evening, the 18th. Professor Henry Patterson chaired the meeting, and two members of the NIO gave a presentation and responded to a number of direct, relevant questions. Members of the AfIV team also presented on their views. It was clear that the audience were dissatisfied with what they heard, and the written responses both individually and from groups will be crucial in informing the NIO of the unhappiness with the content of the draft SHA Legislation.

### **What are the issues with the draft legislation?**

The Draft Bill sets out six general principles that they state underpins their approach to addressing the past:-

- ◆ the principle that reconciliation should be promoted;
- ◆ the principle that the rule of law should be upheld;
- ◆ the principle that the suffering of victims and survivors should be acknowledged;
- ◆ the principle that the pursuit of justice and the recovery of information should be facilitated;
- ◆ the principle that human rights obligations should be complied with;
- ◆ the principle that the approach to dealing with Northern Ireland's past should be balanced, proportionate, transparent, fair and equitable.

This document appears to breach almost all of them as it is divisive, undermines the rule of law, innocent victims are being ignored to the benefit of the perpetrator, there is a de-facto amnesty in place and lastly, it certainly is not balanced as it clearly has an agenda to investigate the Security Forces. We have heard today (Wednesday) that another Veteran has been charged with a legacy death., whilst the many hundreds of unsolved murders by terrorists are being ignored.

The structure that potentially will have the most impact on Innocent Victims is the Historical Investigations Unit (HIU).

The document states that the HIU **would not** investigate cases that had been completed by the HET or the branch of the Ombudsman HID **unless:**

- ⇒ there was **new evidence** that is capable of leading to the ID or prosecution of a person involved in the death;
- ⇒ there was **new evidence of non-criminal police misconduct** that is capable of leading to ID of a person involved in the death **OR** disciplinary proceedings against a person for misconduct related to the death AND the gravity of the misconduct or exceptional circumstances made it appropriate to investigate;
- ⇒ there were **grounds for believing** the death was the result of force used by a person and the Chief Constable was satisfied, having particular regard to the HMIC report of July 2013, that further investigation is required;
- ⇒ there were **grounds for suspecting** that a person intentionally facilitated an offence or avoidance of justice AND either committed a crime or the gravity of the misconduct OR exceptional circumstances made it appropriate to investigate AND the Chief Constable was satisfied, having particular regard to the HMIC report of July 2013, that further investigation is required

These provisos appear to be written deliberately in such a way that they are confusing, yet still provide an avenue for those with an ideologically driven purpose, to challenge both the servants of the State and the State itself.

### **What is in this for the Innocent Victim and Survivor?**

The Draft Bill refers to substantially complete cases. These are cases that would be certified by the Chief Constable as being 'substantially complete' if they do not require further investigation but a family report has not been completed or shared.

For these cases, no further investigation could be undertaken unless one of the following tests is satisfied:

- \* The HIU Director **reasonably believes** that a crime relating to the death had been committed AND that there are investigative steps that the HIU could take which are capable of leading to the identification or prosecution of the person who committed that criminal offence;
- \* The HIU Director decides that further investigation by the HIU is capable of leading to the identification of a person involved in, or disciplinary action against a person for **non-criminal police misconduct** relating to the death and the gravity of the misconduct or exceptional circumstances made it appropriate to investigate.
- \* If none of these conditions apply, the role of the HIU is limited to compiling and issuing a family report.

Therefore, if you are prepared to make a complaint against the RUC/PSNI you have some chance of getting a full investigation. The wording that I have highlighted almost encourages the making of those complaints. Otherwise, you will get a Family Report in the same way as that provided by the HET. The reality is that the HIU is a rebranded HET, but has included the Ombudsman's power of working on a case that has the potential of pursuing both criminal and disciplinary convictions. A disciplinary accusation against a retired police officer cannot be tested in a disciplinary court, but that allegation is enough to arouse suspicion. It was allegations of this sort made by the Ombudsman in his Loughinisland report that was recently successfully challenged by retired officers in a Judicial Review. This will have a bearing on reports released in the future by the HIU and potentially will be challenged in the High Court.

It is estimated that the HIU's caseload would include around 1,700 deaths. I expect that number to grow considerably, as the multiple caveats and qualifications will result in many cases being revisited.

The Irish Government DFA in their five page document (The NIO Consultation document is 73 pages) entitled "The Government of Ireland's role in and co-operation with Stormont House Agreement institutions and legacy inquests", claims it is committed to full co-operation with the HIU and its work, including full disclosure, **consistent with its constitutional obligations and in accordance with law**. It appears they are promising full support but the significant wording is in red, they cannot disclose documents under their current legislation and constitution. In fact they produced new legislation, the Criminal Justice (International Cooperation) Bill 2017. That legislation's primary purpose was to facilitate co-operation by An Garda Síochána with Coroners' Inquests in Northern Ireland and Great Britain. The Kingsmills families are still waiting on that support. It is important that when we visit Dublin on 3rd July, that we rigorously challenge the pretence that we can expect full support from the Rol.