

The IVU View by Kenny Donaldson in response to a recent statement by the Victims' Commissioner

Kenny stated: "We are disappointed that the Victims Commissioner remains rooted in the Commission's support for the Stormont House Agreement come what may. The reality is that events have moved on since that Dis'Agreement' has been reached. The Defence Committee's report on Statute of Limitations and the subsequent comments made by its' Chair around support for a blanket Amnesty and the current lack of clarity from the UK Government as to its position all needs taken into account".

"**Innocent Victims United** an umbrella organisation for **23 groups** supporting some **11,500 victims and survivors** from across our full community, inclusive of victims and survivors from Republic of Ireland and Great Britain has repeatedly raised concerns around the architecture proposed within Stormont House - we will not be party to raising the hopes of victims and survivors around investigating the evils inflicted in the Past' (the legacy of which is their Present) if we cannot see a genuine means for them to have their needs pursued and delivered on".

"There are numerous uncontested issues within SHA which could be moved forward with such as; The Mental Health and Trauma Service, the Historical Timeline and potentially The Pension for the seriously injured - and these issues should be moved on without further delay".

"The Victims Forum is not a body which is reflective of wider victim/survivor opinion, it is a body which contains many genuine and committed people but they are individuals and do not necessarily have support from a wider constituency of victims/survivors. The Commission is out of touch with the IVU constituency on Truth, Justice and Accountability issues and unless and until it genuinely engages with our constituency of victims and survivors, nothing will be moving because political people have latterly grasped that they require the support of victims/survivors from across the board," concluded **Mr Donaldson**



Advocacy for Innocent Victims Newsletter



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Issue 1

Dear Member,

Due to the expansion of the AfIV brand, it has been decided to produce a stand-alone Advocacy Newsletter. Its purpose is to be informative and intuitive, providing members with advice, reproducing documents that may be relevant and of interest, and giving a generalised update on AfIV's workload. We cannot be specific on cases due to confidentiality and data protection, unless the material has been released in the public domain or the client wishes a specific point to be published.

The Newsletter will also encourage input from members availing of the AfIV service, giving you a chance to air your own views on the current and past state of affairs.

Advocacy Team

You may now be aware that following the SEFF application to VSS, we have been successful in gaining the funding to appoint an Advocacy Manager and four Advocacy Support Workers. The recruitment process and application closed last week and we must hope that there are a number of strong candidates that will be suitable to fill the vacancies. The interviews for those positions will take place at a number of locations on Friday 19th May 2017. Ultimately, we will be in a position to provide advocacy support for the innocent victim community in not just Northern Ireland but in the ROI and mainland GB. We intend to both strategically and geographically place these workers where the demand for their services may be met. It enthuses me that we may now be in a position to both challenge the current narrative that our Security Forces were equally culpable with the terrorists, and also support the innocent victims in their search for truth and justice.

Yours Faithfully,
Ken Funston
Advocacy Support Manager

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The contact details for the regional Advocacy Support Workers will be added to the section in future Newsletters, once recruitment has been completed.

HET, LIB, HIU, a Conundrum of Sorts?

The Historical Enquiries Team was formed in September 2005 to review all unsolved murders committed during the Troubles; that remit was eventually extended to review all murders. It became redundant in December 2014 following an unfavourable Inspectorate of Constabulary appraisal. By that stage, cases up to 1988 were being looked at chronologically, with a few exceptions between 1988 and 1998 also being opened. A FOI response confirmed that 1706 cases had been completed and 658 cases considered open (290 at assessment/70 in allocation /298 in review).

My research would now indicate that the HET appear to have deliberately by-passed many murders, mostly that of soldiers by the IRA, an expediency of sorts that allowed them to move quicker through the list. I have knowledge of many other instances where the HET either ignored available evidence or denied its existence, thereby producing unsatisfactory reports. When they did produce a review fit for purpose, they were immediately challenged as being in some way biased towards the state. It was eventually the academic Patricia Lundy's report into the HET that was the catalyst for their demise.

The review of the attack in Loughgall in 1987 by the IRA resulting in the deaths of eight of their members and a civilian, indicated that the IRA exploded a device and opened fire first. It did not make easy or agreeable reading for republicans. Indeed the unfinished report into the mass murder of civilians at the Cenotaph in Enniskillen suggested that the IRA deliberately targeted civilians both in Enniskillen and in Tullyhommon; this does not fit easily into their new narrative of

fighting a just 'war'. The Legacy Investigations Branch (LIB) of the PSNI that replaced the HET refuse to disclose the unfinished report into Enniskillen either to me as the family's Advocate nor to the families themselves. They do not wish to embarrass republicans at this present time with further revelations of the IRA's sectarian past. The late Liam Clarke determined in 2011 through his own research (and possible access to the unfinished report) that the "Enniskillen massacre paints those responsible as, at the very least, guilty of callous disregard for civilian life and, at the very worst, as viscerally sectarian."

The LIB, by their own admission, are largely engaged in a workload as directed by the DPP. They have no interest in finishing the Enniskillen report, nor do they want to look at the murder of three soldiers in 1984, also in Enniskillen (which appears to have been deliberately by-passed). It is so much easier to arrest an old retired soldier in England than to conduct a thorough investigation into planned mass murder.

When, if ever, the Stormont House institutions are instigated, the new Historical Investigations Unit (HIU) will be the prime movers in legacy investigations. Can we really have confidence in this new institution, will it be stymied by political interference, and the incompetence of its predecessors? The HET had a budget of £30 million to placate victims into believing the state wanted to do the right thing for innocent victims, the reality is it was a traumatic revisiting of the distresses of the past conducted by incompetents without consideration for those victims. There was no will to prosecute criminals for murder, the governments of both the UK and the RoI got caught in a shameless stampede to exonerate terrorists of all persuasions. We are still suffering

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The recent report produced by The Defence Committee which recommended a Statute of Limitation in cases concerning the Army, with the

recommendation being that this is extended to cover the Police and the acknowledgement that legal realities may mean an extension to cover "all Troubles related cases" and the subsequent comments by the Chair of that Committee Dr Julian Lewis where he has stated that he favours a blanket amnesty for all pre 1998 offences provides a worrying insight into the Government's thinking.

The Prime Minister must move swiftly to dismiss what Dr Lewis has said - there must not be any blanket amnesty introduced. An amnesty denotes a pardon for crimes, the Security Forces do not want or need this as it gives some equation to the terrorist. If the PM is supportive of Dr Lewis' comments then the HIU will be an expensive waste of time and will do nothing other than raise expectations of victims/survivors delivering nothing - just like its' predecessors.

Ken Funston, Advocacy Support Manager

Research and Casework Update

Research

With Matthew no longer in post, I am combining my role with the addition of the necessary research. The unique situation in Fermanagh and other areas, where the innocent community did not seek revenge for the crimes committed against them must be further highlighted, both in the media and other outlets, including academia.

Casework Update

- AfIV are now engaging with almost 60 families, some cases more complex than others. The reality is that as a lone worker, it is virtually impossible to give the full level of attention to all these cases. The new team will be able to provide that service and take on further work.
- The data base provided by copied HET reports, and other material, must be further enlarged to prove systematic failure by that organisation. Upon the eventual formation of the HIU, we must be in a position to demand a new review of many of those cases.
- We recently sent five test cases to a law firm in London, who are going to forensically examine the HET documents and report back on any potential opportunities