

People are clearly astonished that the proposals focus on killings during the Troubles, and ignore those who were injured physically and mentally after enduring attempts on their lives, forced relocation from their homes etc.

So what happens next, following the submission of our responses to the consultation paper? The Legacy Policy Team in the Northern Ireland Office (NIO) have stated that they will publish a summary of responses to the consultation, and details of the action that the Government will take, on the Government website at [www.gov.uk/nio](http://www.gov.uk/nio). The NIO will aim to publish this information within 12 weeks of the consultation closing date, which will bring us up to 28<sup>th</sup> December.

Following the closure of the consultation period, a group of high profile peers and other individuals, put forward another suggestion for dealing with the past in an open letter to Karen Bradley. This group consists of 4 former Northern Ireland Secretaries – Peter Hain, John Reid, Tom King, and Paul Murphy. Also in the group is Chris Patten, and former Church of Ireland Primate, Robin Eames. The Government has already pledged £150m to support legacy reform in Northern Ireland. In their letter, this high profile group suggests that the £150m package should be used in a different way. They argue that the Secretary of State should ensure that victims' needs, and compensation payments to victims, should be prioritised over historical investigations in any process dealing with the past. They argue the focus must be to:-

“...resource victims, not investigations that have little or no likelihood of either prosecution or alternative closure satisfactory to victims.”

The group points out that previous investigations into more than 2000 deaths resulted in 17 referrals to the Public Prosecution Service, and 3 prosecutions and convictions for murder. Peter Hain says that while they are effectively proposing a line be drawn under the past, they are against an amnesty. So, they would not oppose the pursuit of justice if significant new evidence emerges in a particular case.

One of the problems thrown up by this proposal is around the definition of a victim. According to the current definition, all victims, including terrorists, would be entitled to compensation. Again, this highlights the urgent need for a new UK definition of a victim before we can proceed any further with dealing with the legacy of the past.

So, do you think the proposals of this high profile group is a better use of the £150m package of Government money?

One thing is for sure – what has happened up to now has not worked. The majority of innocent victims also believe that the proposals under the Stormont House Agreement will not work going forward. So, perhaps the time has come to look at a totally different way of dealing with the past. Only you can decide what is right for you in your own particular set of circumstances.

**Wendy Stewart**

### Displacement

Dear members. As Ken mentioned in his introduction, we are currently conducting research on displacement / forced relocation. We are hoping to speak to members about their own experiences. Or even if you know of other families who have been displaced.

If you wish to help us please contact one of the advocates or you can reach our research officer Rachel on 07467 405355 or via email [Rachel.glover.afiv@seff.org.uk](mailto:Rachel.glover.afiv@seff.org.uk)



# Advocacy for Innocent Victims Newsletter



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### Dear Member

The recent NIO consultation period that opened on 11th May has now closed. I am happy to say that over 800 people attended our information events, we have helped approximately 400 to complete their responses, and we gave advice to many more.

The SEFF organisational response to the NIO may be found at <https://seff.org.uk/category/news-updates/>

AfIV were actively involved in putting that response together and also advised other organisations as to their replies.

We now await as to how the NIO will react to the many critical voices, and the many hundreds of electronic and hard copy responses sent to them. This legislation must change drastically before it can be supported by innocent victims.

We must think ahead, and anticipate that changes will be made, and we must be ready to suggest what these changes must be and advocate for that to happen.

We are conducting research on displacement, and have asked previously for help in this matter. We already have a comprehensive list of those who were forced, by terrorist action, to leave their home, place of work, etc., but we know there are many more out there who we haven't yet got details for. The movement of people in NI was not purely due to financial or lifestyle reasons, and we are striving to ensure that this story will eventually be told that can assist to stem the scourge of revisionism. If you feel you were displaced, and that may include the prevention of you going home to see family, etc. due to security force involvement, please contact one of the advocates, or Rachel in the AfIV office.

Yours

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## The definition of a victim—part II

In the last newsletter I wrote about the definition of a victim in Article 3 of the Victims and Survivors (NI) 2006 Order (VSNIO) and who can be considered a 'real' or 'innocent' victim. I focussed on defining a victim through law, ethics and statistics. This time I would like to put focus on the several interviews which I have conducted with different kinds of stakeholders such as: SEFF, Ulster Human Rights Watch, FRPU and Relatives for Justice. Unfortunately there is no data from the Pat Finucane Centre, since they were unwilling/unresponsive to participate in my research. I chose to conduct interviews with these organisations because they have an advocacy support team and have to work within the parameters of the VSNIO. In addition to the voluntary victim organisations, I also conducted interviews with the VSS and the Commission because they are the statutory bodies concerned with the application of the VSNIO. The other stakeholders which I have interviewed play a part in the discussion around the upcoming severely injured pension, but more on that in the next newsletter.

During interviews I have heard several statements relating to the definition of a victim according to the VSNIO. It is commonly known by now that the opposing parties to the definition disagree with the definition because it is so broad and (could) include perpetrators. A member with SEFF and severely injured, also finds it hard to say that someone who goes out with a bomb is a victim. William Frazer of the FRPU does not recognise a terrorist as a victim either. The FRPU considers someone a victim when someone is attacked for no reason, it doesn't matter if it's a terrorist organisation or a paramilitary organisation. On the contrary, Relatives for Justice finds the definition of a victim according to the VSNIO self-evident, straight forward, unproblematic and sensible for anybody who is injured, psychologically and/or bereaved as a result of the conflict. It is a standard definition of a victim. Therefore RfJ is lobbying to keep the definition. The two bodies who are very clear in not wishing to make any distinctions are the Commission and the VSS. The VSS stated very clear that they do not differentiate between a victim and innocent victim, since they are statutory bodies and they are there to deliver support and services for victims and survivors of the Troubles. Differentiating is something the RfJ is absolutely against and finds the concept objectionable and doing so a violation of human rights. One of the interviewees, who defines himself a survivor instead of a victim told me that: "We all in this country have blame and guilt upon us and we are all part of it. People try to go like they never got involved or anything. But I didn't too. But I am still a part in this too." Stephen Gault, another interviewee, said: "Those who went out deliberately to murder and cause mayhem have not got the right to be classed as a victim, they were perpetrators. Loyalists and republican terrorists cannot classify themselves as victims. And innocent victims are those that weren't involved in any form of terrorism and their life was brutally taken through premeditated murder." The Commission for Victims and Survivors stated: "In relation to the interpretation of victim and survivor within the VSNIO, the Commissioner applies an inclusive interpretation of a victim and survivor as set out in Article 3 of the Order." Ken Funston told me in his interview that within SEFF no one agrees with the definition in Article 3. "And I mean no one, and SEFF has a 1000 members. In Innocent Victims United Conglomerate no one agrees with it, and that is around 20.000 members. SEFF complains regularly through media and through government. The Victims Commissioner is also aware of SEFF's view, we have brought our views numerous times as well as with VSS. "

I have asked interviewees if they agreed with Kenneth Bloomfield's definition of a victim. Considering Bloomfield defined the first official definition of a victim and shaped the definition which would ultimately be used by government. But not everyone was as happy with his definition as they are with the current one in Art. 3 of the VSNIO.

One of the interviewees agreed with Bloomfield in a certain degree but stated that his report was pathetic, widely ill-judged and really contributed nothing to moving us forward. He furthermore stated that he thinks that Bloomfield's report was absolutely incredible in not recognising the state as a participant in the conflict. Thus, he doesn't think Bloomfield is a fitting person to pass any remark about victimisation. But one could question then if the definition the government developed was not flawed from the start. Gault disagrees with Kenneth Bloomfield on the take that everyone is a victim because they lived here. "That is an insult".

But is it realistic to change the definition of a victim under the VSNIO and how would that be done? Stephen Gault part of the Enniskillen Bombing Remembrance and Victims Forum, thinks the definition will never be changed: "Changing the definition of a victim would rule out those who were involved in paramilitary terrorism and they cannot then be classified as a victim under the VSNIO."

A similar statement has been made by Ken Funston: "But what this is all about is it is showing a level of equivalence of the terrorist, loyalist or republican to everyone else. If these terrorists get pensions that is legitimising them and they can then go back to their own and say what we did in the past was correct because we are now getting a pension from the British government."

An interviewee said on the same line that his gunmen and others, glorify the whole thing, their cause, otherwise you have no cause. He stated that his gunmen had to justify what they did and he thinks a lot of them have to. I have heard people say: There is also a sense of families being haunted to not let it go. The families have to keep fighting the battle. As we have seen before, it is being said that if you take a penny of compensation you are a traitor and taking blood-money. Another interviewee concludes that what that does is putting the guilt on others.

In interviews and talks with people in Northern Ireland I heard people say that even when the first generation dies, the second generation will continue this discussion. We cannot turn a blind eye to the issue and we need to deal with it, one way or another. As William Frazer mentioned to me, it has become a principle for people. It is what kept them going over the years and kept them alive through times. To give up those beliefs would kill half of them. Thus, the battle for a better definition of a victim will remain.

Rachel Glover

## WHAT NEXT FOR DEALING WITH THE LEGACY OF THE PAST?

In her foreword in the Consultation Paper on "Addressing the Legacy of Northern Ireland's Past," Karen Bradley (Secretary of State) says:-

"I believe that these proposals represent the most effective and far reaching proposals to address Northern Ireland's past and promote further reconciliation."

We, in SEFF, assisted hundreds of people with the completion of the Stormont House Agreement response forms throughout the consultation period which closed on Friday 5<sup>th</sup> October. I met very few people who would agree with Karen Bradley's statement above.

What I did come across again and again was widespread criticism of the proposals, and often outright rejection of them. People are concerned about the apparent complexity of the proposed processes. They have serious concerns about the scope of the proposed Historical Investigations Unit, and they fear that the outcomes of these institutions will neither be balanced nor truthful.