

## Displacement

The Merriam-Webster dictionary quotes a number of synonyms to describe displacement such as banishment, deportation, exile, expatriation, expulsion. I know many of you reading this can relate to these words, and how you were personally affected by displacement. UNESCO describe displacement as the forced movement of people from their locality or environment and occupational activities. It is a form of social change caused by a number of factors, the most common being armed conflict.

Displacement has been happening since humans first inhabited Earth, and is still taking place today, and that is a sad indictment of the human race. The wars in the Middle East and North Africa continue to cause the mass exodus of hundreds of thousands of people both by the ravages of war and to escape poverty. Whilst people are unable to avail of the basic necessities to stay alive, mass movement will continue.

We could trace displacement in Ireland back many hundreds of years, and in more recent centuries, the provincial chieftains enforced their will upon the local people, driving many out. The Plantation of Ulster from the early 17th century displaced some of the local population with people who the British believed would be loyal to the British state. As Ireland moved towards Home Rule in the late 19th and early 20th century, Irish nationalism and Unionism clashed as two cultures. The resulting division left unhappy minorities on both sides of the border. The Protestant minority, with what would then have had a Unionist mind-set in the new Republican of Ireland, has diminished from 12% to around 3%, with many moving into the new Northern Ireland or to GB. Robin Bury highlights this in his book 'Buried Lives: The Protestants of Southern Ireland'.

The onset of the Troubles caused thousands to be forced out of their homes, Protestants and Catholics, having to live somewhere that they wouldn't have normally chosen.

I was born close to the Fermanagh—Donegal border and within a generation my family was displaced by the murder of my brother. Even when my parents relocated, I still had to be careful when I visited as I was a member of the Security Forces. I could mirror my experiences many, many times over. I have a friend who was told that PIRA were so determined to kill him, that they had an almost constant watch on his parents' house meaning he could only visit them in Enniskillen. I have met members within SEFF and other organisations who were ethnically cleansed from their homes and businesses. Some families have retained their properties in the hope that they could return some day, yet they still being told they cannot do so.

Yet there are those who do not term what happened to them as displacement. This could be related to the abnormal society in which we lived. Displacement can be widened to include one being forced to carry on with daily life in a way that you didn't wish. That can manifest itself in changing your pattern of work, your place of work, your simple way of life such as visiting friends and relatives, not being able to socialise in an area where you normally did, the list could go on.

We are continuing to conduct a piece of research on displacement that is essential to combat revisionism by both loyalist and republican organisations. If you believe you have been displaced by any of these organisations, please contact Rachel, our researcher, or myself, and we will be very happy to talk to you.

**Ken**



# Advocacy for Innocent Victims Newsletter



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

Nov 2018 Issue 18

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 Aitor Martinez by email [aitor.martinez.afiv@seff.org.uk](mailto:aitor.martinez.afiv@seff.org.uk) or mobile 07860 850017

To contact Rachel Glover by email [rachel.glover.afiv@seff.org.uk](mailto:rachel.glover.afiv@seff.org.uk)

**Dear Member,**

You will now be aware that John Downey has been arrested for the murders of two Fermanagh men, James Eames and Alfred Johnston, in 1972. Downey is the chief suspect for a number of offences in Northern Ireland and GB. His extradition hearing was held on Friday 23rd November in Dublin. I am reliably informed that when he is handed over to the PSNI, he will be charged with the two murders and will appear in the first available court.

AfIV have been involved in assisting the families during this difficult and protracted investigation. It is heartening for all innocent victims and survivors that there is some will out there to continue to pursue those who took life in the pursuit of a political ideology. We hope this will not be an isolated case, and we will see others in court. We know there is evidence on other cases retained by the PSNI, and we will continue to call the police service to account.

The contradictory statements by Sinn Féin over the case has made them sound somewhat silly. They have demanded that retired soldiers, such as Dennis Hutchins, should be prosecuted for incidents in the early 70s, yet they insist that due to the passage of time and previous promises made, Downey should not be prosecuted. It will be interesting if we find out in the future of other 'dirty deals' that were made to appease the godfathers of terrorism by the Blair government, and this is why Gerry Kelly is sounding so aggrieved.

I am encouraged by the continued engagement of many people with the AfIV services, and we urge you to continue to do so.

**Yours Faithfully**

**Ken Funston**

**Advocacy Support Manager**



**A Pension for the Severely Injured**

In the last 2 newsletters, I wrote about the definition of a victim of the Victims and Survivors Northern Ireland 2006 Order (VSNIO). A practical application of the VSNIO definition relates to the administration of the pension for the severely injured. According to data from WAVE, the NI Memorial Fund and the VSS around approximately 500 people would be eligible for this. The proposal for a pension has been introduced in the Stormont House Agreement. This has to be put into legislation by Stormont, after which the severely injured could receive reparation for injuries caused by the Troubles. But there has been discussion on this reparation due to the fact that around 10 perpetrators (that we know of) would avail of this pension, considering they are also victims according to the VSNIO. As we've seen in the last newsletters the VSNIO's definition gives way to discussion on who is included in the definition of a victim. Perpetrators being included in the definition brings grief to many victims, since they feel they are being equated with their perpetrators. Some victims are now reluctant to apply for this upcoming pension in the future even though they are eligible. But who exactly deserves compensation in the form of a severely injured pension?

There are a number of paths that have to be followed before one would be eligible for this reparation. First of all one would have to be defined as a victim under the VSNIO. But since the definition of a victim is broad and includes both physical and psychological injuries the eligibility would have to be more tightly defined. The reason for this being is that at least 5-8% of the population in Northern Ireland suffer from PTSD according to the Commission and including both the physical and the psychological injured would be too broad for a workable reparations scheme.

**4 approaches to define eligibility**

They could follow Dr Luke Moffett's reflection in his articles. In his article he identifies four different approaches to define eligibility using an inclusive approach, an unlawful harm approach, a criminal conviction approach and finally a qualified approach. With an inclusive approach certain perpetrators that have been victimised could be included in the severely injured pension. Numerous voluntary victims organisations do not agree with this approach. The second approach is defining eligibility through unlawful suffering. This approach narrows the group of victims by using the criteria unlawful suffering. Again, what this approach does not do, is exclude the perpetrators who have been victimised. For example: a paramilitary man from one organisation commits an act of terrorism injuring and killing others. Later on he is shot and injured by a member of another organisation. The perpetrator is now a victim himself. Does this mean this man is now as innocent as an innocent victim? He himself is now a victim under the VSNIO approach and therefore eligible for the pension. Thus, this approach would not be fitting with many victims and victim-based organisations who would condemn his actions and would not consider him a true or real victim. The third approach is defining eligibility through the exclusion of criminal conviction. At first sight it would seem that this third approach would suit better with certain organisations, since it excludes persons convicted for serious offences, most likely perpetrators. The issue with this approach is the fact that not every ex-combatant has been convicted. Furthermore, we have to take into consideration that many have been acquitted of their actions through the Belfast/Good Friday Agreement. The fourth and last approach is defining eligibility through a qualified definition. A review panel could be built into the pension scheme excluding (convicted) perpetrators.

This review panel could determine the scale of eligibility of a pension and whether someone "deserves" to be aided in their needs. A review panel could also reduce any pension. However, would a reduced pension seem proportionate to innocent victims who were victimised by these perpetrators and would they agree with a review panel of sorts? Especially if one would consider that members of proscribed organisations, who are now victims, are already being helped by the VSS and the Commission. There is a likelihood that they would be included in the pension scheme. Excluding the perpetrators from the pension would not mean they will not receive any aid anymore. It would only mean they would not get that "top-up" aid from the severely injured pension. Kenny Donaldson the director of SEFF stated that: "That pensions issue is in my view going nowhere. Unless they develop an appeal mechanisms structure within the legislation. If they do so, it has an opportunity to run".

One of my interviewees answered that he would not agree with it if the man who shot him would receive a pension. Ken Funston also stated that there are quite a few people who were injured at a young age that were never able to avail of a pension, but even if they could receive a pension they would not take it if a terrorist would get it. Thus, making it a moral battle. It would mean so many victims would be denied a pension out of ethical and moral considerations. Would it not be easier for Stormont to exclude 10 perpetrators so that the rest of the approximately 490 other severely injured could avail of a pension?

**Rachel Glover**

**Sean 'Spike' Murray - Is he Someone the Police Should be Engaging With?**

It has been widely reported in the past that Sean 'Spike' Murray was a senior member of PIRA, and in 2005, Liam Clarke in the Sunday Times, cited him as being a member of the so-called PIRA Army Council. The PSNI would be aware of this and much more, yet seem to be 'falling over themselves' to engage with him on various panels.

The Chief Constable recently shared a platform with Murray in West Belfast, whilst there was still an active investigation against him for serious crime, including gun-running. The gun-running he was alleged to be involved in, was importing weapons that ultimately murdered Constables John Graham and David Johnston in Lurgan, and a number of other murders. Murray was named by Mike Logan in Florida as the PIRA go-between when he sent weapons to NI at a time when the Belfast Agreement was already in place. Sinn Féin continually demand that the Belfast Agreement is sacrosanct, yet the Provisional Movement were importing 'clean' weapons for future use before, during and after the Agreement. The further question that must be asked is, if the FBI had not compromised the gun-running, how long would it have continued?

The BBC Spotlight programme in 2014 alleged that the British authorities, at the highest level, knew the full details of Murray's alleged involvement in the arms' importation, but turned a blind eye in order to protect the peace process. The PPS have now stated, "Careful consideration has been given to all of the available evidence and it has been concluded that this is insufficient to meet the Test for Prosecution." They do not suggest he is innocent.

Mr Murray more recently shared a platform with a PSNI Superintendent at a 'Stuck In The Past' panel discussion in North Belfast to discuss how paramilitary activity can be brought to an end. That was also organised before the decision of 'no prosecution' had been made.

We recently engaged in a period of consultation on the proposed structures as suggested by the NIO and the Stormont House Agreement. What was clear in those proposals was that they were not designed to prosecute members of terror organisations, but to pursue cases against retired members of the Security Forces. The recent arrest of John Downey on the same day that the PPS directed 'no prosecution' against Murray may be significant in itself. We hope it is not an isolated case, and the wealth of retained evidence is utilised to its utmost.

**Ken**