

The Fairness of Investigations and Inquests

During the years 1969-1998, 116 people died in County Fermanagh in incidents that can be associated with the NI Troubles. 109 of those deaths were caused by terrorism, 6 by the British Army and 1 by the RUC. Of the 109 deaths caused by terrorism, 5 were attributable to Loyalists and 104 to Republicanism. My research would indicate that of the 5 Loyalist murders, 3 were solved and the perpetrators were prosecuted and convicted of murder. Of the 6 deaths caused by the Army, 4 were killed when they were in the act of committing a terrorist offence, and the other 2 were the murders of Naan and Murray by the Argyles in 1972, and three soldiers were subsequently convicted of those two murders. It is my understanding that of the 104 deaths attributable to Republicans, (103 PIRA, 1 OIRA) murder convictions were obtained in only 3 cases.

Out of the 116 deaths, as previously stated one was caused by the RUC. County Donegal man Michael Leonard, 24, was shot dead after a car chase close to the Fermanagh and Donegal border between Pettigo and Belleek on May 17, 1973. Mr Leonard, who was a disqualified driver, had failed to stop when he got into a car after leaving a shop, and after a chase a member of the RUC fired a shot that killed him.

Ciaran McAirt, who works for Paper Trail, a VSS funded organisation in Belfast, has been conducting 'research' into the death of Mr Leonard at the National Archives in Kew Gardens, London. What he gleaned from these documents has now been produced in a report written by Mr Leonard's cousin, Catholic priest Joe McVeigh, released on Friday 17th May.

In the 1973 inquest, an RUC inspector gave evidence that a police officer who held a rifle out of the passenger side of the chasing Land Rover, *"accidentally snatched the trigger and discharged a round."* McAirt and McVeigh now suggest that British army logs from the time reveal that a total of three shots were fired at the cattle dealer during the incident, two initially and one during the chase. Considering the Army was never involved in the incident, it is difficult to understand the accuracy of this log.

However, on the back of McVeigh's report, it has emerged that the Attorney General, John Larkin has referred the matter to the DPP. Mr Larkin has apparently said he, *"is of the view that even on the police case as related to the original inquest, there was no justification for a warning shot and the act of preparing to fire such a shot was, in his view grossly negligent."* A 2019 view has been given of an incident that happened 47 years ago, without relating to the prevailing circumstances of the time.

McVeigh, has said, *"there have always been questions arising from Michael's killing which were never answered. The family demands an immediate criminal investigation and a new inquest."* The priest has also revealed he has written to Pope Francis seeking his support for a new inquest and investigation. I wonder has he also written to the Pope seeking support for new investigations into the approximate 100 unsolved murders committed by PIRA. Maybe Mr McAirt will conduct some research at Kew on our behalf.

Is this the fairness and equality we are going to receive when the new HIU comes into being? The inherent dangers contained within the Stormont House Agreement are that the government is setting up a system that will investigate the actions of the state whilst ignoring everyone else. In the Leonard incident, we are seeing a snapshot of what might lie ahead. One death caused by the RUC out of 116, and the Attorney General deems it should be re-investigated whilst all others are ignored.

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Advocacy for Innocent Victims Newsletter



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May 2019 Issue 24

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Dear Member,

We expected that by now the government would have released a statement on the way ahead with the Stormont House Agreement; that apparently will not yet happen as senior officials in the government have blocked its release. It has been mooted by the NIO that there will be 'advisory panels' consisting of victims and politicians put together to discuss how we may progress with the proposed structures. The reality is republicanism is demanding that the draft document is implemented in its totality. As recently as Sunday 19th, Andree Murphy from RFJ has reiterated that demand.

Members of IVU recently met the Victims' Commissioner, and she is also firmly of the belief that the proposals represent the best hope for victims and survivors; we do not agree with her. They will assist some to achieve their ideological goals, they will not support innocent victims and survivors. Kenny Donaldson and I recently made clear our views in the News Letter.

<https://www.newsletter.co.uk/news/opinion/full-essay-by-groups-representing-victims-of-terrorism-the-nio-legacy-proposal-does-not-have-our-support-1-8925612>

I have spoken about this before, and we must not underestimate the harm that may be caused by the implementation of these proposals in their present format.

The AfIV team will continue to support you in your quest for truth, justice and acknowledgement.

Yours Faithfully

Ken Funston
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The Power of the Victims' and Survivors' Testimonies:

Since I started working for SEFF I have realised how powerful they can be for victims and survivors of terrorism to make their story public. To have a platform to share their testimony can be really beneficial for them as individuals, because it allows them to tell their story, feel validated and have hope that they may be helping someone else who may relate with their story and who may be struggling. But it can also be very healing for the rest of the community, as they allow us to empathise with human suffering and help us to step away from political dialogues and trickery and focus on those individuals who suffered directly the impact of violence. Victims and survivors of terrorism should be the engine of any socio-political initiative for change, they should be empowered and listened to, and not minimised and excluded from the “peace conversation”. I believe that as an advocate I have the duty to represent the stories of those who have been made silenced for many years, even in difficult and challenging contexts.

I started thinking about the importance of victims' testimonies when one of the people with whom I am working, told me: *“I want them to know [the terrorists] what they did to me and how they destroyed my life. For them it may only be one soldier killed, but they killed my husband, the father of my son... they killed our dreams, our live, our future...”* Listening to this person's story and all the details they remembered and nobody talks about, really helped me to fully understand how WRONG and USELESS the use of violence is.

Giving a platform to victims and survivors of terrorism to tell their story contributes to the enhancement of the victims' narrative. Victims of terrorism have to be present, socially visible and have their personal and social value recognised by society and the politicians.

As the author A. Serrano, 2012,¹ states, a terrorist group generally tries to justify their crimes by saying they are a minority that don't accept and doesn't feel accepted by the rest of the society (majority) and their institutions. Such a minority base their actions on a dichotomy and totalitarian logic of “friend-enemy”. They consider that the only way to achieve what they want is by destroying their enemies (the rest of the society and democratic institutions) using violence. According to the terrorist logic, the use of violence is legitimate, since it is a reaction to the moral injustice the individuals-community the terrorist group represents have received.

1- <https://www.ehu.eus/documents/1736829/2177136/Serrano+Eguzkiloire+26-24.pdf>

Having access to real stories and bringing victims' and survivors' testimonies to the public may help break this “friend-enemy” logic that the terrorists have tried to impose on the society.

Testimonies allow us to know who is behind a newspaper headline, what the statistics really mean in terms of trauma and human suffering. In fact, in my experience working with victims and survivors of the Troubles, it doesn't make a difference whether someone considers themselves “nationalist” or “unionist”, as everybody have the right and freedom to shape their own identity and political ideas. What really matters is the willingness to respect victims' experiences and validate them by making them part of the “narrative” and reject violence.

To acknowledge, help and protect victims of terrorism is not only an act of humanity, it is also an initiative towards community cohesion against the justification of violence. The face of each one of the murdered in a terrorist attack, the pain of those injured and wounded, and the despair of the family members showcase the wounds of a society dramatically injured, who ultimately is the general target of the attacks, Zorrilla, Bada, 2012.²

The only and most effective tool the society have to map out future pathways to avoid atrocities, impunity and close those collective wounds, that never should had been open in the first place, are the victims' narratives. All victims are different, and it would not be realistic to think that all victims share the same stories or opinions, therefore there should be space for all the innocent victims to share their stories.

The Spanish Home Office and the FVT (Victims of Terrorism Foundation) started in 2017³ a pilot project to bring victims of terrorism to talk with students in High Schools. The educational curriculum was divided in 3modules and the sessions were aimed to

- 1- spread awareness about terrorism consequences, promoting its rejection and de-legitimisation;
- 2- promote victims' participation in schools and enhance their profile as educational mentors;
- 3- contribute to the prevention of juvenile radicalisation.

As a local newspaper³ records in 2017, Conchita (whose husband was murdered by ETA in 2000) started her talk at a local school by saying *“At home we used to have a big flashlight to look under the car and check if there was a bomb... we couldn't even open letters carelessly. That was our way of living...”*. Many can relate to this statement.

Aitor Martinez

2- <https://www.ehu.eus/documents/1736829/2177136/Glz+Zorrilla+Eguzkiloire+26-18.pdf>

3- <http://fundacionvt.org/wp-content/uploads/2017/12/fvt61.pdf>

4- <https://www.elmundo.es/cronica/2017/12/03/5a22ff7fe5fdea925e8b462b.html>