

European Day for Victims of Terrorism (6th March 2020)



Kenny Donaldson, SEFF's Director of Services stated: "SEFF were delighted to work in partnership with Jim Allister MLA and others in assisting with last Friday night's event".

"As an organisation we hosted Spanish couple, Marisol Urbano and Juan Carlos Cabrero Rojo whose son Rodrigo was murdered along with 192 others in the Madrid bombings of 2004 committed by Al Qaeda inspired jihadists".

"They spoke profoundly and powerfully along with Mark Rodgers (whose father Mark was murdered by UFF terrorists on Kennedy Way alongside his Council work colleague in the aftermath of the Shankill bomb), Mary McCurrie, (daughter of Jimmy

McCurrie murdered in East Belfast by Provisional IRA terrorists in 1970) and Glen Pollock (whose brother was also murdered by Provisional IRA terrorists)".

"This year we involved the Spanish dimension in illustrating the roots of the annual event, established in the aftermath of the Madrid bombings and also to demonstrate that Terrorist victims of whatever fanatical ideology can learn much from each other".

"Terrorism knows NO Borders and such forces work on a worldwide level - so too should innocent victims work together internationally in combating the efforts of terrorism in dividing and conquering people".

"Nearly 200 people packed the Great Hall at Parliament Buildings on Friday night and they did so with the SEFF Memorial Quilt, Terrorism knows NO Borders positioned appropriately in the forefront".



Mr Donaldson added: "No matter how much the Provisional Republican Movement, aided and abetted by others lack of courage or by a failure to adequately scrutinise, a dampener was not put on Friday night's event".

"The policy decision to refuse to light up Parliament Buildings in recognition of the event and the innocent victims community is symptomatic of the contempt with which innocent victims are considered by The Provisional Republican Movement c/o Sinn Fein and others who are history deniers or excusers," concluded Mr Donaldson.



Advocacy for Innocent Victims Newsletter



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Dear Member,

This month's AfIV supplement is released at a time when the whole country is at a virtual standstill due to the Covid-19 pandemic. Our work as advocates continues, albeit in another form. Part of the Advocacy team have been working on the alternative to the Historical Investigation Unit (HIU) within the Stormont House Agreement (SHA). Our proposals appear to have created quite a stir within both governments and others with a vested interest. Senior members of both governments have had discussions with AfIV staff on the out-workings of what we have proposed.

The Committee on the Administration of Justice (CAJ) ably assisted by a number of academics have saw fit to release a paper condemning any suggested alternatives to the SHA. As this group helped to formulate and write the SHA proposals, they would be fully behind their document, and do not appear happy that IVU do not support these structures. They have never engaged with any of our groups in the past. Ernie Waterworth has written a substantial piece in this supplement outlining many of the issues within the proposed HIU.

Please continue to use and support the AfIV service.

Yours,

Ken Funston and Pete Murtagh

(Advocacy Support Managers)

Photograph from Victims' Day, 5th March 2020, at the Houses of Parliament organised by the DUP



Peace
Northern Ireland - Ireland
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VS VICTIMS & SURVIVORS SERVICE

‘Stop the Witch Hunt’

Currently the Northern Ireland Office are attempting to introduce the Historical Investigations Unit (HIU) legislation to investigate approximately 1,100 terrorist related deaths.

“A death is within the HIU’s remit if—

(a) the death is part of the caseload of the Police Service Historical Enquiries Team and requires further investigation by the HIU;

(b) the death is part of the caseload of the Ombudsman’s Historical Investigations Directorate and requires further investigation by the HIU; or

(c) the death was wholly caused by physical injuries or physical illness that were or was the direct result of an act of violence or force that—

(i) has the required connection with Northern Ireland, and

(ii) was carried out in Northern Ireland during the period beginning with 11 April 1998 and ending with 31 March 2004.”

There are “General Principles” identified as essential within the proposed HIU which are;

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; and

the principle that the approach to dealing with Northern Ireland’s past should be balanced, proportionate, transparent, fair and equitable.

Consider these principles;

Principle (a), A desire for reconciliation. The manner in which legacy issues have been handled to date certainly do not promote reconciliation. There is a growing concern of terrorists being held to the extremely high evidential threshold of ‘beyond reasonable doubt’ while the State can be condemned at the lower ‘balance of probabilities’. It is blatantly apparent to all that Northern Ireland has become more fractious since the Good Friday agreement and the apparent unbalanced approach to legacy issues is fuelling that belief and leading to mounting anger.

Principle (b), The rule of law must be upheld. Whilst few would disagree with that statement it must be applied equally across the community. No amnesty, no ‘comfort letters’ and complete adherence with Human Rights legislation. The State retained records which are and will be accessible to the HIU, the paramilitaries did not hold records. The imbalance is clear. It is highly unlikely that former terrorists will step forward and admit their criminal acts.

Principle (c), Victims and survivors in Northern Ireland have suffered enormously and continue to suffer. Will the HIU assist to ease their suffering or is this creating yet another false expectation for those long suffering victims and survivors? Will terrorists or those who speak on their behalf ever acknowledge that all murders were futile? That all the murders did not advance their cause in any way? Further, Politicians, Journalists, Judges, Clergy and everyone should acknowledge the suffering that victims and survivors have endured and continue to endure. For the benefit of the younger generation, who did not experience the turmoil during the terror campaigns, the immense suffering, pain and loss which the victims and survivors experienced should be expressed at every opportunity.

Principle (d) The pursuit of justice and the recovery of information should be facilitated. The HIU only facilitates the review of terrorist murders. All other crimes including attempted murders were victims and their families were left horribly scarred, both physically and mentally, for the remainder of their lives are excluded. However, the further investigation of a murder can only occur if new evidence that was not available at the time of the initial investigation has emerged. This limits the number of cases that will actually be re-opened. The prospect of any terrorist being prosecuted for legacy murders is extremely remote. As stated previously, the State holds records which will be available while terrorists will not produce non-existent records.

Principle (e) The principle that human rights obligations should be complied with. Currently there are a number of prosecutions ongoing/pending in relation to former soldiers, cases which had previously been investigated and no prosecution directed. There are also a number of retired police officers who have been reported to the DPP and are awaiting a direction as to whether or not they are to be prosecuted for murder. One case has been investigated three times, the police officer cleared of any wrong doing only to be the subject of a further investigation. This over a period of 20 years! It is the fundamental right of any individual to the right of an expeditious investigation and a fair trial. In the case of some members of the security forces they have been hounded for decades and this has resulted in both them and their families being put through a living purgatory of suspicion and anxiety.

The draft legacy legislation also introduces the concept of ‘Non-Criminal Police Misconduct’. What is Non-Criminal Police Misconduct? No politician asked to date has been able to provide an answer to this important question. I suggest it is the introduction of a ‘collusion’ definition, the term bandied about by many who wish to denigrate the history of the Royal Ulster Constabulary George Cross (RUCGC). In Northern Ireland it now appears the norm that if collusion is referred to it automatically denotes that a member of the security forces assisted loyalist paramilitaries to commit a criminal offence. There are many offences listed on the statute books, such as aiding or abetting murder, conspiracy to murder, assisting an offender to name just a few. If evidence exists against any member of the police or armed services it should be utilised to secure a prosecution. There should not be an amnesty for any criminal activity for anyone. The creation of this new term, ‘non-criminal police misconduct’ introduces police officers, serving or retired, indeed even deceased officers, open to investigation for this non-defined crime. They will not necessarily be notified that they are to be named in a report which no doubt will be made public. This calls into question any compliance with Human Rights legislation. This bizarre fantasy offence flies in the face of every known legal and ethical code and has had no known legal standing in the history of United Kingdom or EU Law.

Principle (f) The principle that the approach to dealing with Northern Ireland’s past should be balanced, proportionate, transparent, fair and equitable. The above points tend to suggest this principle has failed before the legislation has even been implemented.

Prior to the election an open letter to all of our politicians from a number of victims and survivor’s groups was published in the News Letter, (copy enclosed). The Ulster Unionist Party totally agrees with our position while the DUP agree with the exception of the independent HIU and a definition being required for ‘collusion’. No other parties have responded and even though it was widely circulated there has been very little Press attention.

There is a call for the implementation of the HIU legislation to be totally rejected, it is seriously flawed. It will create false expectations, create new victims and re-victimise existing ones, undermine the rule of law, breach numerous articles of the European Convention on Human Rights and facilitate a huge and expensive scapegoating of those who worked to protect society while ignoring the terrorist murderers. In short, ‘Stop the witch hunt’.

Ernie Waterworth

Advocacy Support worker Northern & Eastern Region

Battle of Newtownbutler

The Battle of Newtownbutler is a little-known battle that took place on 31st July 1689 and was part of the Williamite War in Ireland between the forces of William III and King James II. Newtownbutler, fought before both of the larger confrontations of Aughrim and the Boyne, was relevant not because of its size, but more importantly because it represented a turning point in the war.

In Enniskillen, armed Williamite civilians drawn from the local Protestant population had organised into an irregular military force. The leaders of this force, Colonel Wolseley and Lt.-Colonel Berry became aware that a Jacobite army of over 3,500 men, led by Justin McCarthy, the Viscount of Mountcashel, was advancing on Enniskillen. McCarthy's men consisted of three regiments of infantry and two of dragoons.

On 28th July 1689, McCarthy's force bombarded the Williamite out-post of Crom Castle (about 20 miles to the south east of Enniskillen and about 5 miles from Newtownbutler). The following day, Berry with a force of about 500 Williamites, (mounted and foot soldiers) advanced to Lisnaskea and camped near the Moat.

On the 30th, Berry's orders were to advance on Crom in order to scout on the numbers and capabilities of the Jacobites. When they reached Donagh, Berry's scouts reported sight of the Jacobite force. Berry, realising he was vastly outnumbered, withdrew and reported back to Wolseley. Berry's withdrawal was a tactical masterpiece as he used the 'new' road close to Lough Erne through 'bog and fenny' ground. About a mile from Enniskillen, Berry chose his position well and set up an ambush for the advancing Jacobites. The officer in charge of the chasing Jacobites, Colonel Hamilton, spotted Berry's troops at the other end of a narrow causeway, and gave the order to charge. The Enniskillen auxiliaries were known for their marksmanship, and took a heavy toll on the advancing Jacobites. Colonel Hamilton was wounded and his second-in-command was killed, resulting in the order to retreat. Immediately the Enniskillen cavalry dashed across the causeway causing the Jacobite retreat to become a disorderly flight. The pursuit continued as far as Lisnaskea and only ended when Berry was informed that McCarthy was advancing with his main army. This first encounter resulted in the Williamites killing 200 Jacobites and taking 30 prisoners.

At approximately 11am on the 31st, the main body of the Williamite troops led by Wolseley arrived in Lisnaskea in support of Berry, meeting up again at the Moat. At this stage the Williamite force consisted of about 2,000 men; when the Jacobites left Dublin ten days before, they had a force of 3,600.

The Williamites army advanced and a half mile past Donagh on the Newtownbutler side, the two advance parties spotted each other. The Jacobites retired believing that they had chosen their battle ground well. A half a mile short of Newtownbutler, a large party of Jacobites had chosen an advantageous position of a hill overlooking a narrow causeway over a swamp. Wolseley ordered Colonel Tiffin and his foot-soldiers to advance on the left and right flanks, and Berry's cavalry to use the causeway. The Jacobites opened fire on the foot-soldiers but the Williamites did not pause in their advance, eventually causing the Jacobite force to retreat, setting fire to the town of Newtownbutler on route.

About a mile on the other side of Newtownbutler, the main McCarthy Jacobite force had chosen their position, again on a hill on the far side of another causeway that ran through a bog over one mile long. They had cannon commanding the road, and their infantry hidden in an ambush position, with the cavalry in support.

The Enniskillen Williamite infantry advanced in the same order as before, but struggled to gain ground due to the cannon and ferocious fire from the Jacobite infantry. However, they did not hesitate, and kept moving until they gained firm ground, seizing the Jacobite cannon, and advancing over the enemy held hill.

Then the Enniskillen horse charged over the causeway, causing the Jacobite cavalry to flee towards Wattlebridge. The Jacobite infantry, seeing their own cavalry had fled, abandoned their position, and took to a disorganised flight.



History questions why the Jacobite cavalry retreated without taking any part in the engagement? One theory is that one of McCarthy's senior officers misinterpreted an order from his commanding officers and ordered his men to turn and march towards his cavalry that led the Jacobite horse to believe they were retreating, and consequently the cavalry galloped off the battlefield.

The Jacobites, not being locals, unwisely chose to retreat through a bog towards Lough Erne. The Enniskillen horse chased the Jacobite cavalry for ten miles, and after failing to catch them, placed a guard force at Wattlebridge to block any escape. The Jacobite infantry was now trapped in a triangle, with Lough Erne on one side, the Williamite cavalry commanding the road to Wattlebridge, and the Williamite infantry advancing on the third side. All that night the Enniskillen infantry hunted their enemy through the bog, resulting in an almost complete annihilation. Those that were not killed or captured, drowned in the Erne. Of a total of almost 500 who took to the water, it is believed one man managed to make it to the far shore.

McCarthy, even though he knew the battle was lost, along with a few of his senior officers, attacked the captured cannon. McCarthy was wounded and would have been killed but for the Williamite Captain Cooper, who gave him quarter, capturing him and taking him to Newtownbutler. He was later held prisoner for five months in Enniskillen castle from where he was to escape after bribing his guards.

At that time, this was the greatest Williamite victory. Two thousand Enniskillen irregulars led by English officers had defeated a Jacobite force almost double in strength. It is said that 2,000 Jacobites were slain, a further 500 drowned and 400 taken prisoner. The Enniskillen force lost twenty men and had about fifty injured.

Ken Funston