

Woodenbridge Hotel, Arklow Co. Wickow Respite Friday 7th - Saturday 8th February 2020

Approx. 40 victims/survivors came together from across the Republic of Ireland and Northern Ireland. On the Friday workshops were facilitated by SEFF's Health & Wellbeing Caseworkers and Qe5 (who are conducting a mid-term evaluation of the Advocacy service complete with the development of a new Strategic Plan) The Advocacy discussions examined victims/survivors perspectives on issues of justice, truth and acknowledgement. The outcome of these discussions will inform SEFF's future work programmes and priorities.



Ann Travers was one of the Advocacy staff present: "Last weekend I attended as part of SEFF's Advocacy Service a respite weekend at the Wooden Bridge Hotel in Co Wicklow, which has been described to me by members from the Republic of Ireland in the following phrases: "It was a very useful and beneficial experience". "It is good to connect and share our experiences." "I'm interested in meeting up again and to see how we can reach out to others".

"While we had workshops covering Health and Wellbeing and Advocacy, it was the conversations over coffee, dinner and later over a drink at the bar that were so useful and important. these conversations have helped to forge friendships and contacts between former Gardai and RUC/UDR, and victims of loyalist terrorism with victims of republican terrorism, Irish defence forces, family members with members of the security forces families. Civilian victims of IRA and UVF/UFF, mixing all together. These friendships are vital, for putting a human face to each other's life experience, supporting each other we are stronger."



"None of us are alone and we at the SEFF Advocacy Service will do all we can to help empower your voices, support during contact with legacy institutions/government bodies and to record your life experience to keep for your family's future generations and some to be used as an educational tool for others to learn from and develop a proper understanding. Please don't hesitate to contact us."

Take care, Ann Travers



Advocacy for Innocent Victims Newsletter



February 2020 Issue 31

AfIV Office (C/O SEFF), 1
Manderwood Park,
1 Nutfield Road, Lisnaskea



Dear Member,

The new decade heralds the same issues, innocent victims being marginalised whilst those who attempted to take this Country into anarchy either being rewarded or assisted in their revisionist programme. We will continue to challenge and expose those whose only offering was death and destruction.

The recent general election in the RoI has returned a substantial number of representatives from the Provisional movement indicating that memories are short and the sacrifices of the innocent were not considered important when voters were choosing their new political representatives. There are now a core of TDs and MLAs on both sides of the border who support/did support the use of violence in the furtherance of a political agenda. It is in their interests not to expose their role in terrorism whilst they demand that those who upheld the rule of law are investigated for perceived wrongdoings. It is as stated by the Washington Examiner that, "Ireland has just become the first European Union state to elect a party with an armed wing."

The PSNI Chief Constable was recently asked in Stormont if the structure of PIRA still exists, a question he refused to answer. This stance seems somewhat bizarre considering the PSNI confirmed only two months ago that there has been "no change" since a 2015 assessment that the PIRA Army Council was still overseeing both Sinn Fein and the remaining structures of the terror organisation with an "over arching strategy." This 2015 PSNI assessment is the same assessment of The Garda Commissioner, Drew Harris. We are unsighted as to whether or not the recent stance taken by the Chief Constable was a political stance or an attempt at appeasement. We continue to advocate that the use of political violence was as wrong in 1970 as it is today.

Please continue to use and support the AfIV service.

Yours,

Ken Funston (Advocacy Support Manager)



For general Advocacy queries please contact the SEFF Office on (028) 677 22242 or email advocacy@seff.org.uk

To contact Ken Funston by email ken.funston@seff.org.uk or mobile 07834 488635

To contact Pete Murtagh by email peter.murtagh.afiv@seff.org.uk or mobile 07860 850004

To contact Ian Irwin by email ian.irwin.afiv@seff.org.uk or mobile 07711 590772

To contact Alan Lewis by email alan.lewis.afiv@seff.org.uk or mobile 07711 590771

To contact Nevin Brown by email nevin.Brown.afiv@seff.org.uk or mobile 073957 90079

To contact Ernie Waterworth by email ernie.waterworth.afiv@seff.org.uk or mobile 07860 850008

To contact Tim Hanley by email tim.hanley@afiv@seff.org.uk Or mobile 07923 257258

To contact Iona Gallagher by email iona.gallagher.afiv@seff.org.uk or mobile 07860 850017

To contact Ann Travers by email ann.travers.afiv@seff.org.uk or mobile 07860 850003

To contact Rachel Glover by email: rachel.glover.afiv@seff.org.uk

New Year, New Decade, New Approach?

So here we are in 2020 a New Year, and with it comes a ‘New Decade, New Approach’. This is the name given to the deal which was agreed upon to restore the Stormont Executive and allow the institutions to get back up and running. Regardless of our own individual political persuasion, preference, or ultimate opinion if this deal is appealing or otherwise, it is imperative that we monitor what is contrived from it. Working within the Victims & Survivors Sector I pay close attention to the section entitled ‘*Implementing the Stormont House Agreement*’. Within this passage it briefly outlines the commitment stating ‘*The Government will provide funding to support the implementation of the Stormont House Agreement proposals on legacy*’.

We do know that a commitment within Annex A states that legislation relating to these legacy proposals must be passed within one hundred days of the Assembly’s restart, we are still uncertain and unfortunately apprehensive regarding what content and format the final proposal will contain. And it remains unclear that this matter will proceed given that there is now a change of Secretary of State and a very clear lack of support for the existing architecture of the legacy proposals laid out within The Stormont House Agreement. Based upon the draft proposals innocent victims and survivors whom SEFF represents voiced their concern at the following elements:

- The potential introduction of the term ‘Non-Criminal Police Misconduct’ (which could pave the way for the demonisation of the RUC/PSN);
- Non-Duplication of investigations which could rule out families who had engaged with HET and received a report (HET was a desktop review and not a proper investigation);
- The failure of the Irish Government to step up to its responsibilities and mirror the expectations placed upon the UK Government (The Draft UK Consultation Paper for Legacy is 73 pages. However, the Government of Ireland’s role & co-operation with SHA consists of 5 pages);
- Fears Ex-RUC / PSNI Officers may be excluded from the HIU recruitment process based upon perceived ‘conflict of interest’.
- The power and limited accountability of the ‘Director’ whom could decide the sequence of which cases are investigated (The fairest way to approach such a caseload would be in chronological order);
- There is a massive concern surrounding the current definition of a victim as outlined in the Victims and Survivors (Northern Ireland) Order 2006 (NI) is not addressed or any attempt made to alter it causes continued hurt and pain to innocent victims and survivors (Perpetrators are equated to Innocent Victims);
- Other non-investigatory concerns also include the potential for the ICIR to become a de-facto amnesty and the lack of inclusion / representation of innocent victims on the proposed IRG panel make up.

The NIO released a document entitled ‘Addressing the Legacy of Northern Ireland’s past - Analysis of the Consultation Responses’ which is dated July 2019. In this document it confirms that 17,000 responses were received to the Legacy Consultation. It outlines comments from respondents on the current legacy systems which are in place stating ‘*many argued that the current system is unbalanced, focusing mainly on investigations into the actions of the security forces. A number of people emphasised the importance of criminal investigations for wrongdoing and that victims are entitled to pursue justice*’.

Addressing those families whom have received HET reports it states ‘*Some held the view that families who had previously received a Historical Enquiries Unit (HET) report should have the choice of whether to avail of a new HIU investigation, while others were concerned about the pressure this might put on a family. Some responses noted the differences between the scope, resourcing and processes of the HET and those of the HIU, arguing that this may give rise to the potential for unfairness in treatment. In particular, it was suggested that the proposed new evidence provisions were too narrow and placed an unfair burden on families. Secondly, cases involving the security forces. There were concerns that investigations may be unfairly weighted against former members of the security forces, on the basis of the proposal that the HIU investigate all cases involving the State, while excluding terrorist cases previously investigated by the HET. Some people expressed the view that it should only be the independent HIU which determines which cases are in remit. Overall, it was clear that many respondents felt that a fairer approach may be for the HIU to look at all closed HET cases, not just those involving the security forces*’.

Highlighting The HIU’s limitation to only investigate murders within Northern Ireland it states ‘*Many of the questionnaire responses argued that, as victims from Great Britain and Ireland (and Europe), and injured victims, would not be within the remit of the HIU, the proposals could not be considered to be truly victim-centred. Others argued that there was the potential for imbalance, as the ‘State holds records and terrorists do not*’. And finally addressing the controversial introduction of the term Non-Criminal Police Misconduct it states ‘*Most questionnaire responses which referenced this issue argued that it would be both unfair and unnecessary to give the new HIU a power to investigate NCPM, noting the lack of a definition of ‘misconduct’. Some people felt that serving or retired police officers would not have an opportunity to adequately defend allegations of misconduct*’.

At first glance the analysis of the consultation responses seems encouraging as it appears to have taken on board some of the concerns highlighted by the respondents regarding issues such as imbalance towards the security forces, families with HET reports and the futility of investigating non-criminal police conduct. However, until the final proposals and associated legalisation is published, we continue to proceed with caution. In recent weeks’ senior politicians have publicly voiced their concerns with the proposals in their current form and SEFF will continue its engagement with various political parties to lobby and articulate the view of its members.

Finally, with the amount of money and time potentially involved with establishing the HIU and recruiting its employees, one wonders if a more practical approach would be to adequately resource the existing PSNI Legacy Investigations Branch to enable them to do their job and investigate the heinous crimes of the past.

Ian Irwin

(Advocacy Support Officer Mid Ulster & South Armagh Region)

AfIV Events & Updates

QE5 Research

The last couple of weeks Eileen McGlone from QE5 has been busy doing reviews of Advocacy services on behalf of SEFF and wished to talk to a group of people in every outreach office who have availed of the service. QE5 had advocacy sessions in Lisnaskea 15th January, Newtownstewart 22nd January, Rathfriland 17th February and with the Advocacy Steering committee on the 20th February. The sessions saw a good turn out and received useful feedback. Reason for this research is to justify the continuing of the service with the coming years of new PEACE IV funding.

European Day of Remembrance for Victims of Terrorism - 11th March 2020

On the 11th of March it will be the European Day of Remembrance for Victims of Terrorism. The 2020 European Day of Remembrance for Victims of Terrorism event will take place in The Great Hall in Parliament Buildings, Stormont on **Friday 6th March 2020 at 7pm**.

There will be four speakers who will contribute testimony at the event including victims of the Madrid Bombings. Once again SEFF is working in partnership with Jim Allister's office in organising the speakers and arrangements for the event. The event is co-sponsored and supported by other elected representatives/political parties.

A bus will leave SEFF offices at 4.30pm. The bus is free and pick-ups and drop-offs can be accommodated as required. Please contact the SEFF office at your convenience to book your place(s) on the bus, phone number 028 677 23884 option 1. We are asking for strong support for this year's event - never more has there been a need for innocent victims and survivors of terrorism to come together in a show of unity.

Queens University

Queens University have been conducting research on displacement and have talked to victims in the various areas. We intend to build on that research within SEFF to highlight the effects of the campaign of terror in the border areas.

Maternity cover Research & Admin Officer

SEFF welcomes the newly appointed maternity cover roles for Rachel Glover's position. Calvin Reid has been appointed to the role x 10 hrs per week and will be based from our Bessbrook, south Armagh Office. He will lead up on the Research aspect of the role. Rachel Watson has also been appointed x 10 hrs per week and will be based from SEFF's Lisnaskea offices. Rachel will lead up on Monitoring and Admin aspects of the role. Calvin and Rachel will take up their new positions from 1st April 2020 onwards and will shadow Rachel pre to her going off.

Calvin Reid



I am currently a Politics student at Queen's University Belfast. I hail from the North Tyrone village of Sion Mills, but now live in the Glenanne area of South Armagh. My interests lie in Irish History and Politics.

Victims related issues have always been something that I have been passionate about due to having lived in a community which has suffered deeply at the hands of terrorism. One of my main ambitions is to help instil a concern within his generation for Victim's related affairs and to demonstrate that these outstanding issues will have an impact on the future of our society, not just the past. I aim to achieve this objective through research which will highlight the realities of the past and also through providing support for current victims and survivors of terrorism.

I am looking forward to working for and on behalf of victims, in what will be a challenging but rewarding environment'.

Rachel Watson



My name is Rachel Watson. I am 21 years old and have grown up in South Fermanagh. I am in my final year of a Law with French degree at Queen's University Belfast. As part of my degree I spent a year living and studying in Lyon, France which I very much enjoyed. I am an active member of my community both at home and at university. I am secretary of my University Frisbee Club, I play Tenor Drum in my local Pipe Band, I have been competing in Scottish highland Dancing since I was very young and I went on to qualify as a Highland Dance Teacher, which I continue to do part time.

I have been involved with SEFF's many activities from a young age and am proud to be following in my family's footsteps helping Innocent Victims through the work SEFF does.

I am looking forward to getting involved in the Advocacy Service as through my Law studies I have developed a keen interest in justice and coming from a security forces family I am very aware of the necessity of the Advocacy Service's work in supporting victims. I hope to use this

opportunity to further my knowledge of the crucial work the Advocacy Service does and use both my knowledge and experience of the Victims and Survivors Sector as well as the skills I have gained both in my studies and in my voluntary work.

Launch Event Armagh Gateway Office Thursday 30th January 2020 Bessbrook

On the 30th January South East Fermanagh Foundation formally launched its' South Armagh Gateway Service. The event was held in Bessbrook old Town Hall which is where the service will be delivered from.

The launch event included contributions from several SEFF Management and Advocacy service representatives, the FAIR victim's group and music was provided by the Tullyvallen Silver Band (aptly so given the heavy price paid by Tullyvallen Orange Lodge over the years of the 'Troubles,' having seven members murdered).

The focal point for the night however was the presence of Linda McHugh and her now husband Bill McHugh who had travelled all the way from the Isle of Skye. Linda's first husband Tpr John Gibbons was a serving member of the Army who was murdered with his colleague in 1972 outside Crossmaglen.

The event also saw contribution from Rev Alastair Donaldson (who grew up in Crossmaglen, South Armagh) .

Speaking in the aftermath of the event, SEFF's Director of Services Kenny Donaldson stated: "Thursday night's event was well attended by individuals from near and far, amongst those attending were local clergy, local political representatives, individuals representing other local groups, the PSNI's Legacy Investigations Branch, personnel from The Victims and Survivors Service (funders) and other victims groups from the area, community reps and importantly individual victims and survivors. Whilst there was an overarching sombreness in tone, there was also a very uplifting feeling which ran throughout the event".

"We were privileged to have Linda McHugh and her now husband Bill return to area which forever changed the direction of her life. Almost 50 years after her first husband was murdered she returned to the area which she had understood as taking so much from her. The emotion was very strong but upon making the visit Linda has left knowing that very many people remember her husband John, his sacrifice and that of those left behind".

"We are clear that we are at the beginning of the journey in terms of support for innocent victims/survivors based in the South Armagh, Newry areas and surrounding hinterlands and we wish to strengthen and build on the support services which we offer to victims/survivors based in The Republic of Ireland".

"We invite such individuals, those who have previously presented to groups but also those who have forever suffered in silence to come forward and utilise our services, we are resourced to assist victims/survivors to pursue justice, truth and accountability for previous wrongs they have been subjected to," concluded Mr Donaldson.



“We also have a range of health and well-being, (counselling and complementary therapies) welfare and other practical support services available for victims/survivors to access in South Armagh,” concluded Mr Donaldson.

SEFF encourages all innocents who feel they could be supported through the new Gateway service to call into the Bessbrook office (College Square E, Bessbrook, Newry, BT35 7DR) or to ring SEFF on: 028 677 23884, selecting the South Armagh Gateway Service option.

A thank you message from Linda McHugh:

As I reflect on my experience of speaking in Bessbrook I feel extremely privileged, having had such an opportunity not only to share the devastating experience of losing John, but to feel the warmth, understanding and compassion from everyone who attended.

Bill and I were made so welcome and the evening was very special.

Thank you
Linda



From left to right: Eric Brown , Linda McHugh, Kenny Donaldson, Peter Murtagh, Ian Irwin and Ken Funston

Troubles Related Incident Victims Payment Scheme

On the 31st of January 2020 the much awaited legislation surrounding the scheme of payments to those living with injuries sustained in the Troubles related incidents was dropped into the arena and further for that legislation to take effect by the end of May 2020. Troubles victims hoping to apply for the new Troubles injury payments have been raising many questions about how eligible they might be. People injured from 1966 to April 2010 will be eligible for payments, ranging from £2,000 to £10,000 per year dependent on injury type and severity of injuries. Applications can be made from May 2020 and will be back-dated to 2014.

To this end be assured that SEFF and the Advocacy Team are prepared, and will be in a position to assist in the understanding of the criteria to be met, and further in aiding the completion of the appropriate forms, collation of ancillary documentation etc. and effective submission of the overall applications whether that be online or otherwise. Responsibility for the administration and implementation of the scheme however is firmly in the hands of the Executive Office of the Northern Ireland Office.

As you would expect there are going to be endless permutations and extenuating circumstances that will no doubt arise with each individual and unique case as it presents itself for inclusion in this scheme. Therefore, for these reasons, SEFF will be putting that all important support in place to assist Victims and Survivors to navigate through the application process and indeed provide advice where necessary. We hope to have in place additional Welfare Officers who will specialise in the Victims Payments process, we want to get as many innocent victims/survivors of terrorism through the process as we possibly can.

[The scheme is proposed for those who have been severely and permanently injured be that either physically or psychologically.](#)

The scheme is open to Victims and Survivors of the Troubles injured anywhere in the UK regardless of their nationality, or residence either at the time of the incident or subsequently. Also, any UK citizen or person entitled to such citizenship on the basis of birth and the provisions of the Good Friday Agreement that was injured anywhere in Europe. The regulations state that applicants may qualify if their injury resulted in permanent disablement and amounts to at least 14% disablement.

They also state a person is disqualified where they have a conviction “whether spent or not” in respect of conduct which caused, wholly or in part, their injury. People are also disqualified, the regulations say, where the scheme administrators or Secretary of State considers that a relevant conviction – or exceptional circumstances of the case – would make the payments “inappropriate”. The regulations state that a partner or carer may inherit the payments for ten years and that such a person may also make a post-humous application for payments. Not all applicants will have face to face assessment, as obviously appropriately collated documentation will reduce the need for same, though some will. Victims Commissioner Judith Thompson said face-to-face assessments “must be handled sensitively” while DUP leader Arlene Foster welcomed the fact that money “will not be awarded to victim makers”. But Sinn Fein’s Michelle O’Neill says the government “appears intent on excluding large sections of our society” from the money.

Just as a sample of frequently asked questions (FAQs), at this stage; The Northern Ireland Office has provided the following answers to:

1.) Will the pension die with a victim or will their next of kin inherit it?

“The payment can be transferred for ten years on death of the injured person to a spouse, civil partner, cohabiting partner, registered carer or anyone who provided a substantial amount of care on a regular basis. The Board will have the discretion to consider other cases where those conditions are not met.”

2.) What level of psychological injury must a victim have sustained to qualify?

“The scheme is open to those living with permanent disablement caused by injury through no fault of their own in a Troubles-related incident, whether physical or psychological injury. The approach taken will be to compare the effect of a relevant injury on an individual’s ability to undertake day-to-day activities with that of a healthy person of the same gender and similar age not living with the same injury and for a healthcare professional to quantify that impact as a percentage. That percentage must be at least 14% to qualify for the scheme (along with other eligibility criteria being met).”

3.) What if a victim didn’t visit a doctor in the early days and internalised things, how will they be able to prove the impact upon their life?

“All applications will have to demonstrate that disablement is directly attributable to injury in a Troubles-related incident. This will include demonstrating presence at an incident. The scheme will help applicants gather existing paper evidence wherever possible and where necessary arrange for an examination by a healthcare professional with appropriate skills and qualifications.”

4.) What will happen to ex-soldiers or police officers injured in the role of duty?

“The scheme will adjust awards directly for ongoing payments for the same injury through other public sector schemes, on the basis that these have not dissimilar purposes to that of our scheme. The spouse, partner or carer of someone who receives an adjusted award will be eligible to receive a transfer on death payment too.”

SEFF is well versed in supporting innocent Victims and Survivors of Terrorism and other Troubles related criminal violence, and will continue to support, assist and signpost as necessary all through this no doubt difficult and traumatic process as effortlessly as possible. Finally, and by way of conclusion, if those of you considering making application touch base with SEFF to outline your intentions so that plans can be put in place to further prepare for the process and its roll-out. Thereby effectively requesting, collating and assembling all medical, clinical and or other ancillary documentary evidence relevant to your individual circumstances and indeed situation experienced, so that the whole process in advance is as seamless as possible.

Nevin Brown
Advocacy Support Worker (Fermanagh Region)