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A Place and a Name

REPORT OF THE VICTIMS COMMISSION



July, 1999

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A Place and a Name

REPORT OF THE VICTIMS COMMISSION

Mr John P. Wilson

"Even unto them will I give in mine house and within my wails a place and a name better than of sons and of daughters : I will give them an everlasting name that shall never be cut off."

Isaiah LVI, 5 (King James Version)

July, 1999

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Why Do You Part Me ?

It's my son you take from me;
'Tisn't he has done wrong.
Then kill me myself,
But do not kill my son !
My breasts without milk,
My eyes wet with tears,
My hands all a-tremble,
My body without pith,
My husband without a son,
Myself without strength,
My life is but death.
Alas, O God, my one son!
My cries are in vain.

Mo mhac bheire uaim,
ní hé do-ní an t-olc,
marbh didhiu mé féin,
ná marbh mo mhac !
Mo chíocha gan loim,
mo shúile go fliuch,
mo lámha ar crith,
mo chorpán gan níth,
mo chéile gan mhac,
mé féine gan neart,
mo bheatha is fiú bás !
Uch, m'aonmhac, a Dhé !
M'fhaoidhe gan luach.

An extract from a late middle Irish homiletic romance on the subject of Christ's childhood which dramatically brings to life a mother's sorrow at the Massacre of the Innocents.

Translation by Professor P. L. Henry.

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Background to the Commission

1.1 Good Friday Agreement

On Friday, 10th April, 1998, an agreement was reached as a result of multi-party talks under the Chairmanship of Senator George Mitchell, former Prime Minister Harri Holkeri and General John de Chastelain. This agreement was ratified by popular referendum in both parts of Ireland on 22nd May, 1998.

In the section of the agreement on Rights, Safeguards and Equality of Opportunity, paragraphs 11, 12 and 13 deal with "Reconciliation and the Victims of Violence" (see Appendix A). These paragraphs recognise that the suffering of the victims of violence must be acknowledged and addressed as an essential element of reconciliation. The agreement also recognised the importance of providing services that are supportive of and sensitive to the needs of victims.

1.2 Decision to set up Commission

It was in this context that Mr John O'Donoghue T.D., the Minister for Justice, Equality and Law Reform, announced that he had obtained Government approval to conduct a review of the services and arrangements in place in this jurisdiction to meet the needs of those who have suffered as a result of violent action arising from the conflict in Northern Ireland. I was deeply honoured to have been asked to carry out this review.

1.3 Terms of reference

The broad purposes of the Commission as outlined to me by the Minister for Justice, Equality and Law Reform are contained in his Department's Press Release of 21st May, 1998, (Appendix B). This formed the basis of the formal Terms of Reference which the Minister submitted to Government after consultations with the Department of Foreign Affairs, the Taoiseach's Department and myself. The Terms of Reference were approved by the Government on

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Background to the Commission

1

16th June, 1998. The terms of reference of the Victims Commission are: -

(1) To conduct a review of services and arrangements in place, in this jurisdiction, to meet the needs of those who have suffered as a result of violent action associated with the conflict in Northern Ireland over the past thirty years and to identify what further measures need to be taken to acknowledge and address the suffering and concerns of those in question. This would include, in particular, consideration of the following:

- the provisions of the Good Friday Multiparty Agreement in relation to victims;
- the needs and concerns of persons, who have sustained serious injury, and members of the immediate families of those who have died or sustained serious injuries in the services of the State as a consequence of violent acts ensuing from the conflict;
- the needs and concerns of victims and the families of victims of major outrages including those of the Dublin, Monaghan and Dundalk bombings.

(2) To advise on how the support given to victims by their families, in helping them to cope with the immediate aftermath and continuing consequences of violence, can be acknowledged and sustained.

1.4 Staffing and accommodation

Before getting down to work properly it was necessary to find offices for the Commission and to appoint support staff. I was fortunate at this stage to have the help of Mr Éamon Mulligan who was at that time Secretary to the Criminal Injuries Compensation Tribunal. Our offices were ready for occupation by the end of June, 1998. Mr Mulligan agreed to come and work full time as Secretary to the Victims Commission as soon as a replacement could be appointed. This was done in early July, 1998. Miss Suzanne Byrne was appointed as Typist, Receptionist and Office Manager at the end of July, 1998.

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Work of the Commission (Modus Operandi)

2.1 Letting people know about the Commission

On 22nd July, 1998 I held a Press Conference and issued a Press Release (Appendix C) inviting interested individuals and groups to meet with or to make submissions to the Commission. During that same week advertisements appeared in the National dailies and in local papers in the border areas. I also did short interviews on National television and on National and Local radio stations. In the Press Release and interviews I outlined how I intended to approach the work of the Commission. I emphasised the need for extensive consultations and the importance I would be placing on the views of the victims themselves.

In the course of my work it became apparent that the number of injured coming forward to meet me was not in the proportion expected in comparison with the numbers of bereaved. In an effort to remedy this, letters were sent to the various Health Boards asking them to circulate practitioners and to post notices in appropriate places so that the existence of the Commission might be drawn to the attention of any injured who might still be receiving treatment. This was followed up about a month later by a Press Release in December, 1998. (Appendix D) and with an interview with RTE Television News.

During the course of my work I was asked to make a presentation, (with Sir Kenneth Bloomfield) to Senator George Mitchell of a sculpture of a dove in Waterford Crystal on behalf of the victims of violence. The sculpture was entitled "Triumphant Peace" and its presentation was sponsored by the family of a victim of the troubles who wished to remain anonymous. This presentation took place in Ballyconnel, Co. Cavan where Senator Mitchell was officially starting the construction of a North/South Bridge, at Aghalane, Belturbet on 5th September, 1998. I took the opportunity to issue a Press Release conveying a message from the bereaved family in question and inviting interested parties to get in contact with the Commission.

2

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Work of the Commission (Modus Operandi)

2



Sir Kenneth Bloomfield, Senator George Mitchell and John Wilson with 'Triumphant Peace' By Fred Curtis of Waterford Crystal.

The sculpture consists of a dove, sculpted from a single block of Waterford crystal, on a base which is a 7,000 year old piece of Irish Bog Oak. A serpent in Waterford crystal is entwined through the bog oak base.

The sculptor, Fred Curtis, who works in Waterford Crystal, says that the ancient piece of Irish bog oak represents the long history of the island of Ireland, the serpent represents the evil of violence which has destroyed so many hopes throughout that history and the dove, now liberated by the peace process, flies into the future carrying with it the hopes and aspirations of this and future generations in both parts of the island.

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Work of the Commission (Modus Operandi)

2

I accepted a number of speaking opportunities offered to me in order both to raise the profile of victims issues and to further publicise the existence of this Commission. These included a talk to Cavan County Council, a discussion panel with the Meath Peace Group and a talk at the launch of the Cost of the Troubles Exhibition in Belfast. My thanks go to all those concerned for giving me these opportunities.

2.2 Definition of victim

From the outset I decided to interpret my Terms of Reference as broad guidelines regarding the scope of my work rather than as strict legalistic restrictions on it. I was reinforced in this view when I met many of the victims and they told of their feelings of being excluded from this or that service or entitlement by the intricacies of official regulation or law.

It was, nonetheless, clear that my Terms of Reference intended me to concern myself with those directly affected by acts of violence rather than those indirectly affected by the troubles in general. I would emphasise, that when people wished to speak with the Commission I was loath to measure them against any yardstick or definition before hearing what they had to say.

2.3 Range of individuals and groups consulted

Consequently the range of victims met and listened to was wide: voluntary groups inside and outside the jurisdiction were consulted as were official bodies inside and outside the jurisdiction. At the outset I stated that I wished to give a voice to the victims. For this reason the bulk of my consultations were with individual victims. I tried to meet and speak individually with as many victims as possible. In some cases this was not possible; some were happy to tell their story to the Commission in writing or by phone; some preferred to meet me as part of a group. I also gave priority to groups representing the interests of victims.

I was conscious of the fact that "what they told us " (Chapter 3) was precisely that - The Victims' Story. This was

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Work of the Commission (Modus Operandi)

taken fully into account when making the recommendations in this report.

2.4 Remedial action

While I made it clear to people that my brief was to listen and report back to Government rather than provide practical help, nevertheless I took it upon myself to provide some help where this was possible. Victims were advised of their possible rights to compensation and on how to go about applying for it. Health Boards and Local Authorities were contacted in relation to medical and housing needs. The Department of Social, Community and Family Affairs was contacted in relation to welfare entitlements. Interim recommendations were made in relation to the Buncrana victims of the Omagh bombings and in relation to informing victims about the release of prisoners. As a result of complaints brought to my attention I wrote to British and Irish television stations requesting a greater sensitivity in the use of images relating to victims.

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