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QUESTION NOS: 57 & 294

Chun an Aire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí

To the Minister for Justice, Equality and Law Reform

QUESTION: 57. To ask the Minister for Justice, Equality and Law Reform the discussions, if any, he has had in relation to the report of the Victims' Commission.

- Caoimhghin Ó Caoláin

* 294. To ask the Minister for Justice, Equality and Law Reform his views of the report of the Victims' Commission; the action being taken in regard to any recommendations for which his Department has responsibility; and if he will make a statement on the matter.

- Ruairí Quinn

For **ORAL** answer on **Tuesday, 12th October, 1999.**

ANSWER:

I propose to take Questions Nos. 57 and 294 together.

The Report of the Victims' Commission, "A Place and a Name", was published on 5 August. As this is the first opportunity which I have had to speak in the House on this matter since publication of the Report I would like to express my appreciation to the former Tánaiste Mr John P. Wilson for his efforts in compiling it and for the understanding approach he adopted in meeting victims of violence and their relatives and in addressing their concerns.

As regards implementation of the recommendations in the Report, the Report itself states that a period of three months after publication should be allowed for responses to it from interested parties. Following such consultations an outline implementation plan should be

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produced within a further three months. In keeping with this recommendation, I invited interested parties to send their comments on the Report to my Department by 5 November. At that stage I will bring proposals to Government regarding implementation of recommendations. This will take full account of the views expressed in the responses to the Report.

However, two recommendations in the Report were of sufficient urgency to warrant action at an early stage and in this regard Deputies will be aware that the Taoiseach announced in the Dáil on 29 September that the Government has decided that an eminent legal person should be appointed to enquire privately into the Dublin/Monaghan and Dundalk bombings and the case of Séamus Ludlow along the lines recommended in the Report.

With regard to the other recommendations in the Report I have asked all Departments and public agencies affected by the recommendations to formulate their responses and initiate action, where appropriate, as quickly as possible.

In view of the fact that we are still in the first stage of the follow-up to the Report, during which interested parties can make a response, and that it will be for the Government to decide on implementation Deputies will appreciate that it would not be appropriate for me to indicate at this point what action the Government might take in regard to recommendations other than the two I have mentioned.

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Briefing Note

Establishment of Commission

1. The Minister received Government approval on 21 May, 1998 to establish the Victims' Commission. The Commission, whose sole member was the former Tánaiste John Wilson, was established in accordance with the declaration of the parties to the Good Friday Agreement that it was essential to acknowledge and address the suffering of the victims of violence as a necessary element of reconciliation. The terms of reference of the Commission were to conduct a review of services and arrangements in place to meet the needs of those in this jurisdiction who had suffered as a result of violent action associated with the conflict in Northern Ireland.

Recommendations of Report

2. The Commission produced its Report on 5 August. It made a total of 34 recommendations, the more important ones being:

- Develop an integrated plan to deal with the emotional and psychological aspects of major incidents

- Review the criminal injuries compensation scheme and payments for victims and bereaved families and the Malicious Injuries Acts

- Review assistance to those killed or injured in the service of the State, including changes to compensation schemes to allow for reviews in appropriate circumstances

- Enquire into the Dublin/Monaghan bombings and the murder of Séamus Ludlow

- Assist persons displaced from both jurisdictions

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- Following a period of consultation, the Government should produce an implementation plan within six months of publication.

Minister's Response

3. The Minister issued the attached press release on the day the Report was published, thanking Mr Wilson for the report and inviting views from interested parties, in accordance with one of the recommendations of the report. When the consultation period ends on 5 November, the Commission's recommendations will be considered, taking into account the views received, and proposals on implementation will be put to Government.

Submissions Received

4. To date, only a small number of submissions have been received. The most significant concern the Commission's recommendation that an acknowledgement payment be made to the bereaved families of past victims. At the time of the publication of the report, the Commission confirmed to the media that they did not exclude the possibility of such payments going to the families of members of paramilitary organisations killed. There has been some opposition to this. In addition, it appears probable that some relatives will avail of the facility recommended by the Commission to request reports on the investigations of murders arising from the conflict where no one has been made amenable.

Action Taken to Date

5. With regard to the Commission's recommendation that enquiries take place into the Dublin/Monaghan bombings of 1974, the murder of Séamus Ludlow in 1976 and the Dundalk bombing of 1975, the Taoiseach announced in the Dáil on 29 September that the Government has decided that an eminent legal person would be appointed to investigate these cases privately. As the Taoiseach explained, while the Commission recommended that the enquiry should be carried out by a retired Supreme Court judge, it is not easy at present to obtain the services of a retired Supreme Court judge (or a serving Supreme Court judge for that matter). Hence the Government decided that the

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enquiry would be carried out by an eminent legal person, such as a High Court judge. Arrangements are currently being made to start the investigation. It is intended that the report of the investigation will be published when completed.

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