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Northern Ireland Affairs

CORRECTED TRANSCRIPT OF ORAL EVIDENCE To be published as HC 333-iv

House of COMMONS

MINUTES OF EVIDENCE

TAKEN BEFORE

NORTHERN IRELAND AFFAIRS COMMITTEE

POLICING AND CRIMINAL JUSTICE IN NORTHERN IRELAND

Wednesday 19 March 2008

Room 144, Stormont, Belfast

SIR KENNETH BLOOMFIELD

DR BRANDON HAMBER and MS KATE TURNER

MS SANDRA PEAKE and MR ALAN McBRIDE

Evidence heard in Public Questions 209 - 359

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Oral Evidence

Taken before the Northern Ireland Affairs Committee

on Thursday 20 March 2008

Members present

Sir Patrick Cormack, in the Chair

Christopher Fraser

Mr Stephen Hepburn

Kate Hoey

Mr Denis Murphy

Sammy Wilson

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Witness: **Sir Kenneth Bloomfield**, former Victims Commissioner, gave evidence.

**Q209 Chairman:** Sir Kenneth, you will be very familiar with the set-up of select committees, I know.

Sir Kenneth Bloomfield: I am afraid, yes, rather familiar with the PAC in days gone by, but I will not talk about that today.

**Q210 Chairman:** I think we are much gentler than the PAC! Thank you very much indeed for coming.

Sir Kenneth Bloomfield: Not at all.

**Q211 Chairman:** You know the subject of our inquiry. Yesterday we had the opportunity to visit the HET centre and we also went to the Ombudsman's office and had the great privilege of meeting representatives of eight families, of course privately and informally but it was very helpful to us. You were the Victims Commissioner.

Sir Kenneth Bloomfield: Yes.

**Q212 Chairman:** And in 1998 you published the seminal report, that we well remember, and gave your views and recommendations. Would you like to say a word about that and how far you believe your recommendations have been implemented and honoured, and whether you are satisfied with the progress and whether, with the all powerful benefit of hindsight, you would have done things any differently?

Sir Kenneth Bloomfield: At the heart of my report in 1998 was the idea that the victims needed a more effective voice and a better listening ear. The more effective voice was difficult in the sense that not all victims are natural mates or companions of each other and undoubtedly the victim's voice tends to be diffused through a lot of different organisations that reflect different bits of the community. When I said there should be a listening ear, I meant above all that there should be some officer or office independent of government that would be the champion of the victims' interests. I always saw this as the appointment of a Victims Commissioner. I was described as "the Victims Commissioner" but, of course, it was in a very short-term sense. My remit was discharged once I had produced my report in 1998. I remember thinking to myself that in the modern world we have a custodian of consumers' interests, we have a custodian of children's interests, here is a very vulnerable section of the community and they need their own champion. I suspect the Government thought they were meeting that suggestion when they designated, and they did this very sharply, a Victims Minister in the Northern Ireland Office. In fact, Adam Ingram was the first Victims Minister. They also set up official machinery, a victims unit in the Northern Ireland Office. I think perhaps they felt at the time that was meeting what I wanted to happen. I did see the need for some centre of activity within the government machine that would give priority to all of this, but I did also see the need alongside that for the kind of champion I had spoken of, who would be capable on occasion of saying, "The Government are not doing enough. They are not doing the right things. They are not doing them quickly enough". Frankly, it has been a major disappointment to me that it has taken ten years to get to the point where we are now. I would like to say one or two other things. I have been involved with one aspect or another of the victims' problems for ten years, beginning with this remit, but then I was asked to pick up the ball in two cases that I had brought to notice in my report. One was the issue of criminal injuries compensation, because I met so many people who said, "We have been living with the after-effects of what we have been through for decades already" and, let us remember, that in the conflict most of those who died were youngish men, so those left to pick up the pieces were women, and a lot of them, dating back to the early 1970s, and that was the time when most of the killings occurred, felt that they had been very poorly compensated. They were properly compensated in terms of the law as it stood, but it was not as generous a law as it became later on. It seemed to me that a lot of people had been left behind. I made a specific recommendation that somebody should look again at the system of criminal injuries compensation. I was then hoist with my own petard because, with two excellent, well-qualified colleagues, I was asked to look at that. We got a curious remit, and it may be very typical of the way Government behaves in some respect, which said, "Look at how the compensation system has been handling all of these victims of the Troubles and on the basis of this recommend improvements in the law for the future". It was all a bit anomalous because you are going to fix the system having found that a lot of people had been left behind by the way it had operated previously without the chance of revisiting that. We all know, of course, Government abhors retrospective action and Government is very inclined to say, "You got your lot under the code of law as it stood at the time and that's that". To be honest, my colleagues and I rather stretched our terms of reference in this because we said, "In a sense it is not our business to say this but, nevertheless, we think some means should be found to reach into that community who were rather left behind in the early 1970s and who were not sufficiently compensated." The other delicate issue that I drew notice to in that report was the problem of the disappeared. That does not affect a very large number of people but it is a problem of peculiar poignancy. I suggested that it might be possible to devise some instrument that would allow people to come forward and give information without inculpating themselves. As you know, Chairman, that led to legislation in the two Parliaments and the establishment of an independent Commission, and I have been serving on that since 1999 and making very slow progress. Could I go on to say that I was specifically tasked in 1997 to look at how the sufferings of the victims of violence could best be recognised; I was not asked to look at the wider

issue which is now on the agenda of what do we do about the past, can we put the past behind us. Nevertheless, I think it was absolutely inevitable that in the course of my review people would talk to me about South Africa and there were quite a lot of people knocking around already in Northern Ireland, people like Brandon Hamber, who had had experience of the South African Truth and Reconciliation Commission.

**Q213 Chairman:** We are seeing him later today.

Sir Kenneth Bloomfield: Some were beginning to say to us, "What about that rostrum for Northern Ireland?" I did not think I would change this, but what I said in my report was if you look at what happened in South Africa, it came about because the main factions were agreed that it should happen. They agreed that it should happen with different motives in mind. If you like, white South Africa seeing a degree of exculpation or freedom from prosecution and black South Africa saying, "We are more interested in knowing the truth of what happened than necessarily prosecuting everybody and locking them up". Nevertheless, it was not a divisive issue in community terms. What I said in 1998, and I think I would adhere to this now, was there is nothing wrong with this in principle. If we were in a situation where the communities and the political representatives of the communities agree then it is a good thing to do, but if they do not it is a bad thing to do. We have had all these people killed because of the divisions in our society and we do not want any remedies which are divisive in themselves. That is where I still stand in relation to grand, overarching Truth and Reconciliation Commissions. I am very dubious about them. Frankly, even in the event of agreement I am dubious about them, first of all because I am very doubtful that all the interests involved in our struggle are willing to come forward and tell the truth and, secondly, I am not convinced that if they do come forward and tell the whole truth and nothing but the truth, and a pretty awful truth it is going to be in some cases, it will reconcile. It might have exactly the opposite effect. Indeed, it may serve to destabilise the rather delicate political structure that has been put in place in Northern Ireland for reasons which would be fairly obvious to you.

**Q214 Chairman:** Yes. You think it would just exacerbate, or possibly exacerbate, the situation?

Sir Kenneth Bloomfield: I would think so. Maybe I am going on too long?

**Q215 Chairman:** No.

Sir Kenneth Bloomfield: One of the things that people have said in the aftermath of the political settlement is we must look forward now and we must put the past behind us. I have been at pains to say on a number of occasions, "Of course we must look forward now and it is time we do", but we cannot really put the past behind us because so many people are living with it. On the other hand, endless digging into the past for no terribly useful and productive purpose is not a good thing. I have been long enough a civil servant to realise no claim on public expenditure is a zero-sum game, there is a finite sum of money. I have looked at the Bloody Sunday Tribunal, and I spent a day giving evidence to the Tribunal, not very usefully to myself or to them, I am bound to say, and it is £180 million now. On the one hand, you can say allegations that the British Army have unlawfully killed people is a suggestion of great seriousness and ought to be investigated; on the other hand, I do ask myself what could £180 million have done for the community that I have been concerned with for the last ten years.

**Q216 Chairman:** I think we would all share those concerns. There is an element of contradiction in your comments in that, on the one hand, you say you cannot forget the past and, on the other hand, it is necessary to stop delving at such vast expense and in such detail. Whatever you said in 1998, and I accept that was wholly relevant at the time and you stand by much of that, but we are now in 2008, we now have a restored Assembly and a power sharing Executive of a sort we have not had before because it has brought in what we would generally reckon, and I choose my words carefully, to be the extremes working ostensibly side-by-side and so on, what is your solution now? How do we deal with the past? This Committee will want to make some recommendations and clearly at the moment we are a long way off from making recommendations, and that is why we want to see you and others for your ideas. If we asked you to do a short report now and give your recommendations to this Committee, what would they be?

Sir Kenneth Bloomfield: I think I would say, like a good civil servant, that a heck of a lot of government is about prioritisation. First, in the order of priorities in dealing with this problem, I would deal with the practical issues confronting those who have been affected in one way or another by the violence. Let us remember what a large community this is. The figures are not absolutely capable of being pinned down, but the best part of 3,700 dead, 40,000 injured, and around every one of those individuals are the people who are affected. I remember being asked improbably to deliver the University Sermon at Oxford and saying to the congregation, "With any luck there's nobody in this congregation who has known personally anybody who has been murdered". I live in a community where there is practically nobody who does not know personally people who have been murdered. There are a huge number of people suffering the after-effects of all the awful things that have happened. I would put right at the top in the order of priorities doing practical justice to those people. That is not to say that there are not other remedies that ought to be considered.

**Q217 Chairman:** I just want to pin you down on that one, bringing practical justice to these people. That is a laudable sentiment, it is a generalisation, but what do you mean by that?

Sir Kenneth Bloomfield: I mean that outside the system of criminal injuries compensation because, if you like, the claims on that system have been exhausted, it should be a priority for the several Victims Commissioners now appointed to consider by what means they might identify people who continue to suffer in economic terms from the consequences of violence and have so far not been given adequate state assistance to support them.

**Q218 Sammy Wilson:** Chairman, can I just ask Sir Kenneth a question on that. Very often it has been difficult to identify individuals and what has tended to happen is that groups have grown up to represent those individuals, and we have seen some of them in the past, and they almost become focus groups for those who wish to join a club, if you wish, whereas there are many who suffer quietly at home, et cetera. I think some of those groups perpetuate the kind of thing you have quite rightly said you do not wish to see perpetuated, that is they feel they have got to highlight the grievances and make an issue of what happened in the past. How do you avoid that happening, Sir Kenneth?

Sir Kenneth Bloomfield: It is not easy. If I may say so, you do touch on a great problem. When I was doing this work in 1997/98, apart from seeing people I got a huge number of poignant letters and one I will never forget was from a lady who wrote to me from Ballygauley and said, "My son, who was a university student, was killed in Belfast the day after the Enniskillen bomb 'by mistake'. Very understandably, of course, the news was full of the Enniskillen bomb, the names of those families were all over the papers, there was a media campaign to raise campaign to assist them, but what about my son, doesn't he matter as much as any of these victims?" and, of course, he does. Undoubtedly, you have to be very careful about the group notion. My priority would be to see the government

money that is available actually reaching the people who need it and if you are not very careful you can construct a kind of victims industry with the best of motives, but one has got to be careful about this.

**Q219 Chairman:** How would you distribute the money? I am very interested to tease this out if we can. You are saying you believe there should be targeted help for those victims who have suffered and for whom financial compensation is both desirable and could help.

Sir Kenneth Bloomfield: Yes.

**Q220 Chairman:** How do you target them? Do you ask everyone to apply? Do you means-test them?

Sir Kenneth Bloomfield: The trouble is that government records, when they are not being lost, sometimes disappear for all sorts of other reasons and, unhappily, it is not the case that the criminal injuries compensation files from the 1970s are all conveniently available. Undoubtedly people would have to furnish some proof that they had been through this experience and this was the compensation they got. Could I just make another point? In the process of looking at this issue of criminal injuries compensation, each of the three of us went to different jurisdictions to have a look at how they tackled these issues, and I chose to go to Israel because, as it happens, I have a very good contact there in the Hebrew University of Jerusalem. It was extraordinarily interesting because their approach to compensation was entirely different from the British one where you have a once-for-all solution, you appear before the compensation Board, or in Northern Ireland it used to be the courts, and they make a judgment on what you are due, about the effect of your disabilities and so on. Three or four years down the line the factors weighing on that judgment may have changed, they may have thought, "Yes, he ought to be capable of working again but he has proved not to be capable of working again". They have quite a different system in Israel where you can periodically revisit the situation of somebody who has been affected by violence, you can reassess the situation and change their supportive status. I found that very interesting.

**Q221 Chairman:** A bit like a disability benefit that is paid as a regular sum?

Sir Kenneth Bloomfield: I think it is better not to have a once-for-all settlement in these cases. The reason why I did not recommend it in this case was, after all, law on compensation in Northern Ireland had to be passed through the Westminster Parliament where the great majority of members are not members from Northern Ireland and could we conceivably get away with a system radically different and more generous than the one that applies to people in Great Britain. Nevertheless, I would say to you when I looked at the situation in Israel, where the disposition of government, of course, is to regard everybody as being in the frontline, in a sense - first of all, they have a citizens' army and, secondly, there are a lot of civilian casualties, attacks and so on - I was struck by the fact that they did not reach once-for-all judgments about the long-term needs of people who had been affected.

**Q222 Chairman:** Let me pursue this, if I may. If you or any of us was badly injured in an accident and because of that injury unable to work, the state has a means whereby we are given a not very generous or handsome benefit but, nevertheless, a benefit on a regular basis until we are able to return to work or if we are never able to return we have that until we receive our retirement benefits when the overlapping benefits regulation comes into force and so on. Are you saying that eligibility for such a benefit would be the proper way to compensate those who have suffered in this way in addition to what they might already receive?

Sir Kenneth Bloomfield: Yes, that is what I am saying. I am not suggesting for a moment, Chairman, that it is easy to work out such a scheme in detail, it would be a radical departure from what we have had previously.

**Q223 Chairman:** It would.

Sir Kenneth Bloomfield: As you know, we had Bertha McDougall in place as an interim Commissioner and I had some meetings with her and thought her approach was admirable.

**Q224 Chairman:** We would endorse that.

Sir Kenneth Bloomfield: I thought her views on all of this were extremely sensible. It seemed to me that she too had identified this problem of the people who had been left behind who had been treated properly on a statutory basis under the laws that existed at the time but all these years later on were still living with the consequences and could one and should one be doing more for them.

Chairman: That is very helpful and we will certainly pursue that.

**Q225 Mr Murphy:** Just on that particular point, I think it is a very good idea to try and come up with a scheme that would offer compensation. I have some experience of probably one of the largest compensation schemes in the world that is currently going through in the UK and that is the miners' compensation.

Sir Kenneth Bloomfield: Yes.

**Q226 Mr Murphy:** It has ended up splitting families. This compensation goes back as far as 1954 and it depends on the time someone spent underground and the level of disability. We have had people coming up who have denied they have got brothers and sisters in order to claim the compensation themselves. In practice it would be extremely difficult to put something like that in place. Nevertheless, of the people we spoke to yesterday, families of victims who have taken their cases through the HET and Ombudsman, not one person mentioned compensation, what they wanted in the main was to try and find out what happened to their loved ones. Generally, in many cases they felt they had not been given any information at all and what they sought for themselves was the circumstances in which their loved ones died and the details surrounding that. Whilst I am sure compensation will assist some people who are struggling economically, the majority we spoke to wanted to find out exactly what had happened and wanted the truth.

Sir Kenneth Bloomfield: Without being in any way critical of the people you have seen, I am very sympathetic to the kind of people you have seen, they have all suffered dreadfully, but those who present themselves on these occasions tend to be the activists. As I said to you, I met hundreds of people and got hundreds of letters. What was striking was that very few of them were saying, "I want anybody to be locked up". Quite often they were saying, "Yes, I would like to know the truth of what happened", that is undoubtedly

so. The activists perhaps are a bit unrepresentative in the degree of stress they place on knowing the precise truth. The other thing I am really bound to say to you is, in a sense, if you look at what has been happening in Derry all this time at this enormous expense, do we not all know pretty clearly what happened. Unless that report comes out and says, "The situation is exactly as the people out there believe", they will simply say it is another whitewash.

**Q227 Chairman:** That is absolutely correct and we all have real misgivings about the enormous expenditure and share your view that money could have been put to better and more productive use, but nevertheless that has happened and it is where we are. What do you think about the two organisations we visited yesterday? In your opinion, and we are beginning to form ours, how is HET working? In your opinion, how is the office of the Ombudsman working? Should there be some degree of rationalisation between the two, as has been suggested to us?

Sir Kenneth Bloomfield: You have mentioned two of the important interests in all of this and the other interest is the PSNI.

**Q228 Chairman:** HET is part of that.

Sir Kenneth Bloomfield: Of course, you are right. He has been making it clear that he is a bit concerned that so much activity is being devoted to looking back into these retrospective, previously regarded as dead cases that there is not adequate resource to deal with the current situation. Although, on the one hand, it is wonderful to have the degree of political stability we have got, and I would not have bet on it and it is marvellous to be there, nevertheless there is still a lot of crime going on in Northern Ireland which needs to be addressed. For me, there seems something rather perverse about a situation where over a great many years a large number of people were very properly convicted for committing atrocious crimes and then in the context of the political settlement the jails were emptied and they are all out again. For what purpose do we devote quite so much of a resource, human resource and financial resource, to pursuing all of these old cases because clearly what we are not going to do is end up locking more people up. I thank God that nobody got hurt, but our house was blown up around us and I often reflect from that day to this that nobody has ever come and said, "You might be interested to know we are pretty sure we know who did it in a generic way. We have not got witnesses who are willing to come into a court and say so". That might have given me some modest degree of satisfaction, but it does not happen. I understand that. Certainly if you deal with the relatives of the disappeared, as I do, they know what happened but what they want is a grave to visit and to go through the traditional ceremonies and all the rest of it.

**Q229 Chairman:** Of course. One thing that keeps coming up as we talk to people is if and when should there be a line drawn, to use that oft-quoted expression. Do you believe that there is a time when we should stop looking at the past or do you believe that so long as there is one grieving relative wanting to see what they call "closure" we should continue with our present system or something like it?

Sir Kenneth Bloomfield: This might seem a very bureaucratic answer but I am afraid I am a child of my upbringing. It is not so much a yes or no question as it is a how question. It seems to me we have created very elaborate looking into the past search engines which have been very, very expensive and if we are going to go on doing this at all we really do need to find some simpler, less costly, to be blunt about it less law borne, mechanism. I would not rate very high amongst my order of priorities the enrichment of lawyers. Some of my best friends are lawyers, indeed my daughter was originally a lawyer but is now doing other things.

Chairman: She saw the error of her ways!

**Q230 Sammy Wilson:** Sir Kenneth, can I ask one question. When you were doing your report, and maybe I am wrong in this assumption, at that stage the victim industry had not grown to the extent that it has today.

Sir Kenneth Bloomfield: That is correct.

**Q231 Sammy Wilson:** So you probably did hear in a very genuine way the concerns of individuals and a lot of them were economic at that stage. Given the fact that in the interim period we now have, as you have described it, and I think quite rightly described it, a fairly elaborate victims industry in Northern Ireland and that in itself is driving a lot of this desire to delve into the past for various reasons, and there are lots of different agendas as well. Given the climate that there is now around the past, do you think it is possible to easily draw a line without creating quite a lot of political pressure and without making the victims feel that they have been short-changed?

Sir Kenneth Bloomfield: The victims' community does remain fractured. It is no longer the case that even in theory you could imagine one organisation representing the victims to which they would all subscribe. Although personally I find it a clumsy situation to have four Victims Commissioners, in a sense I can understand why we have arrived at that. There are people in our community who are more comfortable talking to one sort of person than another. I wish it were otherwise but that does seem to be the reality. My own wish would be that as many people as possible should be able to remove the word "victim" from their foreheads. There are people who were not injured themselves who are almost making a lifelong career of all of this and it would be a great thing if one could wean some people away from that attitude.

**Q232 Chairman:** On this business of the four Commissioners, and you say you understand why - I suppose we can all say we understand why - is it really desirable? You have not got four Ombudsmen, have you? Would it not be better to have just one Victims Commissioner?

Sir Kenneth Bloomfield: Maybe one schizophrenic would be a compromise.

**Q233 Chairman:** Do you have a candidate in mind!

Sir Kenneth Bloomfield: Far be it from me as a mere bureaucrat to go into the politics of the situation. I would simply say I do not regard it as an ideal outcome but I can understand why we have got there.

**Q234 Kate Hoey:** Sir Kenneth, you were talking about the victims industry, but do you think there is also an ex-policemen's jobs industry growing up because in HET there are numbers of people being flown in from England staying over during the week and then being flown back and that is hugely costly. Do you think that is helpful in the long-term?

Sir Kenneth Bloomfield: I do come back, boringly, to the idea of prioritisation. Dealing with the victims, dealing with the past, is a priority and how high do we rate it. I pick up the morning paper and I read, for example, that at a time of housing crisis the co-ownership scheme has been shut down because there is not the money at the moment to keep operating it. I ask myself in that situation how sensible is it to be spending such a lot of money on some of these other things. One cannot say absolutely they are wrong things to do but I do ask whether it is a sensible order of priorities. I am a great believer in doing practical things for people, frankly.

**Q235 Kate Hoey:** We are where we are and it exists at the moment, Sir Hugh Orde decided there was going to be an HET. Are you saying really it should be scaled down and they should only look at cases where the families come forward specifically and ask for them to be looked at? They are obviously taking up every case whether anyone has asked or not.

Sir Kenneth Bloomfield: I think there is something to be said for that. I only encounter Hugh Orde as he jogs along the coastal path occasionally. Having said that, the police, like all other public bodies, have a finite resource and I am sure Sir Hugh asks himself from time to time is it really sensible that quite so much of our manpower is devoted to this.

**Q236 Chairman:** Sir Hugh is publicly on record as expressing concern, which is one of the reasons why this Committee is looking into this matter to make recommendations. I do not want to misrepresent you, and it is particularly important we do not misrepresent you when we are considering our report, but in answer to Kate Hoey you said, as I understand it, that you would favour a system whereby an investigation is only triggered if the family requests it.

Sir Kenneth Bloomfield: I think that might be too limited a remit. I do think that we could trust the police force to be more selective about this, frankly.

**Q237 Sammy Wilson:** Sir Kenneth, say you went down the route that has been suggested where it is only when the family requests it, is the danger that the only ones that would be investigated are those where people have an agenda perhaps or are driven or are well connected and have joined a victims club of one sort or another and some people who have stayed clear of that, and whose case would warrant some investigation, would miss out?

Sir Kenneth Bloomfield: This may seem rather a cowardly response to what you are saying to me. I think what you have said is entirely fair about Ms Hoey's comments. I think one needs to say to Sir Hugh, "Look, you clearly are concerned that the extent of this work is diverting your officers from what ought to be their current priorities and some kind of selective process has got to apply, what are your proposals to do that?" He has raised this issue. In my experience he is a man of good judgment and I would pay a good deal of attention to what he says about it.

Chairman: Of course, at the end of the day this Committee has got to make some recommendations along these lines and that is why we are very interested in what you are saying.

**Q238 Mr Fraser:** Saying what you have just said, do you think that the reputation of the police has been damaged recently as a consequence of diverting attention to these historic cases? Is that the perception of the community in your opinion?

Sir Kenneth Bloomfield: No, I do not really think it has, there are other things that have somewhat damaged the reputation of the police. This simply underlines the fact that in a nasty, prolonged conflict not everybody always behaves well or sensibly.

**Q239 Mr Fraser:** Given the fact you talked about the selectivity one has to go through in terms of how one deals with these issues, there have been some criticisms of yourself and the work you have undertaken by some of the interested groups, the victims community groups that you described earlier as fractured. How do you respond to the fact that they believe there is quite a lot of political controversy which is always going to be around this with someone like you involved given your background?

Sir Kenneth Bloomfield: It is very interesting you raise this because literally the other day I went to Magee, the University College in Derry, where INCORE, which is a group concerned with this sort of issue, is running a series of seminars on victims and so on. I was asked to take part in a seminar and there was a representative of that kind of sentiment who at the end tackled me and said, "Look, here is your report and there's only one chapter in which you refer to the issue of collusion. Doesn't this underline the fact that at the end of the day you are a kind of Brit bureaucrat and you are going to be jolly sure you don't embarrass anybody in Government" and I said, "Well, there are quite a lot of other important issues in there about which there is only one paragraph. Let me tell you what I said about my contact with organisations like yours. I said I have been approached by groups who strongly believe that they are victims of collusion and unlawful action by state forces. I am obviously not in a position to validate or dismiss any of these claims, I am not a court of law. I am asked within a few months to make recommendations about this very wide issue but what I will undertake to do is to include in my report the fact I have met you and you have a strong belief this is a grievance". I was tackled about this in Derry just the other day, as I say, and I said, "I still regard that as perfectly fair. If you are looking for legal judgments about what happened, there are people called judges to do that and if you are looking for moral judgments there are authorities rather higher than me, all I can do is say there are people who feel this way".

**Q240 Mr Fraser:** One of the quotes that I have here says: "Despite the inclusive mandate and definition of victims, only two paragraphs of the report discussed those killed by state violence". They have been quite specific about this.

Sir Kenneth Bloomfield: It is very interesting. Let me just explain to you the rationale of my report. First of all, when I was contemplating taking it on a lot of friends said, "Don't touch it, it's a poisoned chalice, nothing but trouble, you shouldn't do it", but I did do it at the end of the day. What I knew was I was going to face a lot of people who were going to press me on this business of the definition of victims. It related to monuments, for instance: if there is a monument, whose name is going to be on it, whose name is going to be off it. I avoided being drawn into all of that actually. I used a wider definition of what a victim is than certainly some people in our community would like to see. I will tell you why I did this. Even where, let us say, somebody is out as a member of the INLA and he is in a stake-out trying to shoot a policeman and he is shot, he leaves a widow and family behind. Do you say it is their fault, as it were, that they are in this situation they are caught up in? No, I do not think so. What we want to cut through is the intergenerational transfer of hostility and bitterness. Do you want that family to grow up with the same sense of grievance that caused that young man to take up arms in the first place? I tried desperately hard not to be driven into what I would call ghettoes of definition.

**Q241 Chairman:** Building on that, because it runs on nicely from it, what is your view of Eames-Bradley? Do you think that this is the right way forward? Do you have high hopes and expectations?

Sir Kenneth Bloomfield: I confess to being a longstanding friend of Robin Eames, for whom I have enormous respect. If someone said to me in 1997, "You're taking on a poisoned chalice", I think I might have said to Robin, "You're taking on two poisoned chalices with a bit of arsenic added". They have been given a very much wider remit than me. Of course, a lot depends on what they are going to recommend and I suspect that some things are being floated as trial balloons to see how people react. There is the notion, for instance, of was it a war all along? I am not quite sure what all that is about. I would simply say this to you: last week I was in The Hague at a conference about terrorism and so on, and they said, "Here's the court where Milosevic was tried" and if we were in a war all this time there are quite a lot of very interesting people who perhaps should be before a War Crimes Court. I am not madly enthusiastic about the idea of describing it as a war. I am more measured about universal amnesty because I hate the thought of yet more money being spent in meaningless court procedures when it seems to me inconceivable that having let out all these people already you are going to lock up another lot you did not catch in the first place, what is the sense in that.

**Q242 Chairman:** The limit is two years anyhow.

Sir Kenneth Bloomfield: Yes.

**Q243 Chairman:** Would you favour an amnesty?

Sir Kenneth Bloomfield: I think perhaps I would. It is a logical extension of what happened in the earlier stage. I am on record, and I am stupid enough to write books these days, as having criticised the attitude to prisoner release as rather flaccid at the time, more ought to have been sought for that very major initiative, but that is water under the bridge, that is where we have been. Having adopted that kind of attitude, I think there may be something to be said for extending it into these other undeveloped cases.

**Q244 Mr Fraser:** If there was an amnesty in the way you considered it in your response, do you think it would encourage former paramilitaries to own up to their actions? Do you think it would have that effect?

Sir Kenneth Bloomfield: No, I do not think so.

**Q245 Chairman:** But you would see this as a way of moving towards - I hate using these jargon words - a universal closure, would you?

Sir Kenneth Bloomfield: In one sense I do not think closure can be achieved absolutely until the last person dies who was affected in some way by it. We do want to mark the fact that we are heading into a new chapter. There are some very, very important people around in Northern Ireland who, to use a great Ulsterism, the dogs in the street know were involved in rather nasty things and no effort is being made to prosecute them. If you are not prosecuting the big fish, should you be thinking of prosecuting the small fry?

Chairman: That is a very interesting observation and it is one that we all take very seriously.

**Q246 Kate Hoey:** Could I ask about your attitude to the Police Ombudsman's office and its priorities and how it is working, particularly its relationship with the HET.

Sir Kenneth Bloomfield: The recently retired Ombudswoman was a formidable lady, very upright and honourable. On the other hand, one way or another I think she was drawn into more deep and retrospective inquiry than I thought likely at the outset. I thought that office was constituted to ensure proper behaviour in the reconstituted Northern Ireland Police Service. I am not sure I thought near the top of her list should be delving back into all these historic cases. You are talking to her successor and I think it is conceivable that he takes a rather different view on the powers.

**Q247 Chairman:** He has gone on record in front of this Committee as saying that he would favour a division of the office and if there is to be a pursuing of past problems that should be hived off.

Sir Kenneth Bloomfield: I think there is something to be said for that, Chairman. Although there should be a degree of apprehension in the Police Service about the Ombudsman, they should live in a relationship of mutual respect, and I do not think it is helpful to that relationship if it is regarded as a kind of potential nemesis lurking all the time bringing more and more nasty things out of the woodwork. I am not sure that helps in terms of an organisation which in a sense is one of the partners in a modern Police Service and good policemen ought to embrace it as a regulator that is there. They are going back into things when most of the people currently serving in the police were not serving at all and is that helpful to the standing of the Ombudsman and what I see as the Ombudsman's current principal responsibility, which is the current conduct of the police.

**Q248 Chairman:** Your views tally very much with his and, again, we shall be reflecting on this before we make our recommendations. We are moving towards the close of this session, for which we are very grateful. I do not want in any sense to misrepresent you, it is very important we do not, but you are saying to us you are concerned that there has been a distortion of priorities, you are concerned about the blanket approach to the past and you would be more selective.

Sir Kenneth Bloomfield: Yes.

**Q249 Chairman:** You are saying to us that you would like to see evolve a system of what I would call continuing compensation by means of a pension or benefit that would be targeted at those families who do genuinely continue to suffer because of the loss of the breadwinner or whatever. You are also saying that the logic of everything you have said and your remarks on the amnesty point to the fact that you really believe we should be looking towards bringing this as far as we can to a conclusion, even though you have made the very valid point that until the last person who suffered dies there will be a lingering legacy. Would that be a fair summation of your views?

Sir Kenneth Bloomfield: Chairman, you have made my points much better than I could make them myself.

Chairman: Thank you very much indeed. It is important that we have this clarity on the record. I am very grateful to you, we all are. I hope it does not sound patronising or presumptuous to say that we are all very conscious of the contribution you have made to Northern Ireland over a very long lifetime of public service and thank you for it. Thank you.

Witnesses: **Dr Brandon Hamber**, Director, and **Ms Kate Turner**, Project Coordinator, Healing Through Remembering, gave evidence.

**Q250 Chairman:** Dr Hamber and Ms Turner, could I welcome you both very much indeed. Thank you for coming to give formal evidence to the Committee. You know the background and we have had the pleasure of meeting Kate Turner before informally. I think you had the benefit of hearing all, or certainly most, of Sir Kenneth's evidence. By way of introduction, would you like to tell the Committee on the record a little bit about your organisation and how it came to be created and what you see as your particular aims and priorities.

Ms Turner: Healing Through Remembering began as an ad hoc group of people. It arose out of a one-week event where Alex Boraine, who was then the Deputy Chair of the South African Truth and Reconciliation Commission, came for a range of private meetings, a bit about what the Truth Commission had been about but more about asking what were the questions they had asked in South Africa on those issues about dealing with the past. From that very first week there was an immense amount of interest and people kept contacting the few of us who had been involved. From that we brought a group of 19 diverse people together from very different backgrounds to discuss what to do about dealing with the past. In 2001/02 we carried out a public consultation and as a result of that we wrote a report, the *Healing Through Remembering* report, in 2002. From the submissions we received and the diverse group of people working together with very different perspectives in terms of their being affected or involved in the conflict, different political perspectives and from across Northern Ireland, they worked on the information that had been shared with us and came up with five recommendations. They were five areas that they felt needed looking at further as ways of dealing with the past. They were seen as a package, no one stands above the others and they are all interconnected. They were a collective story-telling process, a day of reflection, a network of commemoration projects, acknowledgment and truth recovery and a living memorial museum. At that stage there was a sixth recommendation that there should be a Healing Through Remembering initiative because we realised we had tried working for a week and it became a couple of years. At that stage we formed a limited company and became a limited company with charitable status. In 2004 we set up five what we call sub-groups where, like the original Board, we bring people together who have been involved in or affected by the conflict, community workers, people from churches, academics, journalists, a range of people, to discuss each of those ideas. They range from people who have been in the British Army, who were in the UDR, the RUC, who are in the PSNI and various ex-prisoner groups and a range of victims groups.

**Q251 Chairman:** All churches, both Protestant and Catholic?

Ms Turner: Yes. When we formed those sub-groups, within the groups it was not just a group of people with very different perspectives who all agreed, for example, that a collective story-telling process was a good idea, there was a range of people in each group who thought the recommendation was a good idea, those who thought the recommendation was not a good idea and those who were not sure. The aim was to have a full debate about these issues, not just to bring people with different perspectives together on a like-minded issue. That leads to some fairly robust debates within the sub-groups but also a chance for people to hear each other's concerns and share them. The groups then carry out work as they see appropriate. We are a membership-led organisation, so the groups carry out audits or research as they see appropriate.

**Q252 Chairman:** How big is your organisation?

Ms Turner: Membership, including members of the organisation and members of the sub-groups, is about 108.

**Q253 Chairman:** 108?

Ms Turner: 108 individuals.

**Q254 Kate Hoey:** How are you funded?

Ms Turner: Our original funding was from Atlantic Philanthropies and we are now funded by the Joseph Rowntree Charitable Trust. We have a small amount of project funding that comes from other sources, like the Community Relations Council, and some Peace II money for an outreach project.

**Q255 Chairman:** But you have no direct state funding?

Ms Turner: No. We have always had a principle that we do not take money directly from any government, nor do we take money that is for victims services or needs because (a) we are not a victims organisation and (b) we are about looking at how society as a whole deals with the past relating to the conflict.

**Q256 Chairman:** What is your budget?

Ms Turner: Our budget over a year is just under £200,000.

**Q257 Chairman:** I see. How many paid staff do you have?

Ms Turner: Two.

**Q258 Chairman:** You two?

Ms Turner: No, myself and an administrator at the moment.



**Q259 Chairman:** What about your position, Dr Hamber?

Dr Hamber: I am the Chair of the Board of the organisation. I began working with the organisation as a facilitator. In the early parts of the organisation when they were bringing different people from different backgrounds together, I worked on helping to work through the different issues to ensure that people participated.

**Q260 Chairman:** You are a South African?

Dr Hamber: Yes.

**Q261 Chairman:** Motivated by your experience in South Africa?

Dr Hamber: Yes, very much so. Partly linked with, I suppose, some of the weaknesses I would outline within the South African process which are that although there was a large amount of civil society participation, that dwindled over the life of the process in South Africa particularly once the Truth and Reconciliation Commission began. What I was focused on and why I got involved in the project was very much from the perspective of wanting to engage with as many people across civil society, middle leadership people if you want to think of it in that way, in the debate about dealing with the past. I know Kate has said the organisation has 108 members, but those are 108 very diverse individuals strategically placed in a lot of key organisations across society. I see it as a very key mover in its ability to put issues on to the table, which is what it has done, so each of those sub-groups has delivered different recommendations in different forms. For example, the Truth Recovery Group has outlined in a large document, *Making Peace with the Past*, five very clear options to debate around truth recovery. The Day of Reflection Group has implemented a day of reflection as a way of assessing whether that is possible. The Museum sub-group, for example, has collated a database of over 400,000 items that could possibly go into a museum were it to be put in place. It was a two year project tracking all the different museums and what they have, et cetera. It is very much laying the groundwork for a very wide process of dealing with the past and we are very much attracted to that.

**Q262 Chairman:** You heard what Sir Kenneth said about the Truth Commission and all that, give us your views.

Dr Hamber: I can give you my personal views and then as the Chair I would have to talk in terms of what are the views of the actual organisation. In terms of the organisation, the organisation has outlined in the document, *Making Peace with the Past*, at this stage five different options for truth recovery, of which one is a Truth Commission. The other is what one could call drawing a line under the past or not doing anything more, because it is not the case one can actually draw a line under the past because there are processes in motion from the HET and others, but that is one of the options. The third would be a collective story-telling process, a bottom-up type process of collecting testimonies. The fourth would be what is termed an investigation-type mechanism similar to the way the Disappearances Commission has worked with liaison groups within the various structures who might be able to give information that people might request. The final option focused on the idea of a more hands-off historical account of what happened.

**Q263 Chairman:** These are not mutually exclusive.

Dr Hamber: No.

**Q264 Chairman:** What is your personal preference and what is your order of priorities?

Dr Hamber: The way I would be approaching the debate at this point in terms of my personal preference would be to approach it first from a matter of principle and the first principle is do we actually think that at a bare minimum victims have a right to truth. There are different international legal debates about this question, but if we come to it from a moral position and say we do think victims have a right to truth then there is an onus on us to think of what is the best mechanism for doing that. My position at the moment very much would be to say I would like hear coherent arguments as to why we should not pursue that. Many of the arguments that are put on to the table, for example people will not play ball, they will not come forward, it is too costly, are equally arguments that you could make as to why there should be an all-encompassing truth recovery-type process that could cross jurisdictions. For me, at this point in time the argument I would be making is let us put a Truth Commission up as an ideal type, and when I say ideal type I mean a body that has cross-jurisdictional powers, powers of search, subpoena and other powers, can compel people to come forward to give evidence, but ultimately is charged with the responsibility of trying to outline the causes, nature and extent of the conflict. I would like to debate an argument as to why we should not do that rather than saying it is simply not possible.

**Q265 Chairman:** You heard Sir Kenneth's views. This is not asked critically but just for information, how long have you been in Northern Ireland?

Dr Hamber: I have been living here for about seven years and I started to work here in 1996.

**Q266 Chairman:** So you really do not have any, or very little, direct experience of the 30 years of Troubles, 1968-98.

Dr Hamber: That would be correct, yes.

**Q267 Chairman:** You are bringing, therefore, the benefit of your experience in your native country and you are seeking to tell us here that is the best way forward.

Dr Hamber: I am not seeking to tell anybody anything.

**Q268 Chairman:** That is the clear inference I draw from you remarks.

Dr Hamber: Basically, from my own experience I am willing to put issues on to the table for debate and that is very much why I have engaged with the Healing Through Remembering project, which is what it has been engaged in. I do not think it is helpful to make bland comparisons between different contexts. I can simply relate what the experiences are from other contexts and if people find that

helpful then that is helpful, and if they do not ---

**Q269 Chairman:** You did say a moment or two ago that you did favour the Truth Commission, something that Sir Kenneth took a different line on, and you did say you thought it was incumbent upon those who disagreed with you to prove their case rather than for you to prove yours. That was what you said.

Dr Hamber: What I was trying to say was not necessarily that at this stage I am fully committed to say, "I think there should absolutely be a Truth Commission", I am saying we should engage in a debate about the principles of what it embodies, and one of the key principles within that, which is an international standard, is around the question of what are the rights of victims within these processes. That is very much what I am focusing on.

**Q270 Chairman:** What about the way in which we are seeking to tackle things within the United Kingdom and within Northern Ireland in particular with the Historical Enquiries Team and so on? How do you regard that?

Dr Hamber: Again, speaking from my personal opinion, not the organisation's opinion, the Historical Enquiries Team is a very unique process compared to ---

**Q271 Chairman:** It cannot be very unique, it is either unique or it is not.

Dr Hamber: It is a unique process related to many other international contexts in terms of its very systematic approach of working through case-by-case. In a lot of other societies they have attempted, for example, Truth Commissions which try and do that but which have never actually done quite that. I would rate the systematic approach incredibly highly in terms of various international standards. From having a lot of contact with various victims groups it has certainly built the credibility of the Police Service within its ability to engage in a process like the HET. At a personal level I would have a very positive view of the Historical Enquiries Team.

**Q272 Kate Hoey:** Having visited it, I share a lot of your views on the HET. What on earth do we need a Truth Recovery Commission for? Northern Ireland is a very small country, practically everybody knows everybody or knows somebody who knows somebody. What on earth would be the point of setting up another hugely expensive, lawyer-driven, whatever you say, inquiry? To do what? To rake over things over and over again, most of which have already been gone through by the HET or the Police Ombudsman, and a lot of people in Northern Ireland who are not members of the victims industry are just getting on with their lives having put up with some terrible things and maybe do not want anything to do with any of this.

Dr Hamber: The main issue would be about trying to meet the various needs that are out there. One could make an argument that the Historical Enquiries Team could meet those needs in terms of perhaps getting to issues around the truth. However, I think for a lot of victims what they are also seeking is a wider form of social acknowledgement. Whether that has to be through an all-singing, all-dancing Truth Commission is something one could debate, but the only element the Historical Enquiries Team lacks, in a sense, is that public acknowledgement process which might be important to some victims.

Kate Hoey: What do you actually mean by that? What does that mean to Mrs Smith sitting somewhere?

Chairman: Who might be a very private person and might want private satisfaction.

**Q273 Kate Hoey:** And comes from a generation, perhaps, who do not want to talk publicly about some of the things that happened to them in their private lives.

Dr Hamber: Absolutely. One of the biggest challenges within the process of dealing with the past is that you have a whole range of people with a whole range of different needs, so it is very difficult to do one thing that would meet all of those needs. It is quite clear that not every single person would want to engage in a very public type of process, and that is what the Historical Enquiries Team for some families has done very effectively, they have been able to engage with it, they have been able to get the information and various forms of feedback from the Police Service and other sorts of issues and that has been very effective. When I talk about the issue of acknowledgment, I mean it as a wider, social and political process of people engaging in the past and saying, "Yes, there is something that we need to acknowledge in relation to the way that it happened", whether that is acts of omission or commission. It is a much wider level I am talking about at a political level.

**Q274 Kate Hoey:** Are you sure it is not just academics and well meaning people thinking this is what people want when maybe it is not?

Dr Hamber: I could give you a range of research in relation to victims that would say that is what they want. Not all victims, as I said, but that is something that could be substantiated by evidence.

**Q275 Mr Fraser:** You have passed various comments about the independence of the Commissioner, and I referred to some of those comments earlier not knowing you were sitting at the back. You were quite direct about the two paragraphs in the report Sir Kenneth has put forward about state violence and then you go on to say: "any process that is interested in taking forward truth recovery will have to be seen to be independent; to include the views of victims in all their diversity, not just in its definition but also in its actual working practices" and say, "to ensure that any sense of a hierarchy of victims is to be avoided." You are suggesting here that there is a hierarchy.

Dr Hamber: Which report are you quoting from there?

**Q276 Mr Fraser:** This is your point 45, your submission, *Making Peace with the Past*, page 61.

Dr Hamber: That is the *Healing Through Remembering* report. I just wanted to clarify that. Could you maybe try and rephrase that question?

**Q277 Mr Fraser:** Do you believe there is a hierarchy of victims and is that right in your opinion, because you have said here that you want truth and recovery for everybody equally but I think you have also accepted that is not possible, have you not?

Dr Hamber: If I am speaking from the Healing Through Remembering side of things, the view amongst many of the members would be that there is certainly a perception that there are different hierarchies and it depends who you ask whether they say they feel there are different hierarchies.

**Q278 Mr Fraser:** But that is inevitable, is it not?

Dr Hamber: It is absolutely inevitable. I think what that report will be getting at is saying what are the different ways by which we can try and deal with that, which is largely the perceptions of different groups that they are receiving perhaps preferential treatment or their cases are being dealt with, and that comes out of a context. Healing Through Remembering is an organisation where you have to understand there are incredibly diverse people who would be signing off on that, so they would be quite concerned at looking how that could be dealt with in a way that meets the needs of those with very different perspectives and perceptions of that issue.

**Q279 Mr Fraser:** If we had a Truth Commission, or whatever it ends up being in the way you have described, you can always point a finger and poke at the person who is going to be running it, because you have done here. The implication of what you are saying here is that Sir Kenneth in the role he had was not fair and equal, so that means you could go and do that with the next person because you have said here you want to avoid the process being mired in political controversy. By suggesting that the chairman of any commission is biased, which is the inference, does precisely what you are trying to avoid. You are drawing it into political controversy by making those suggestions surely.

Dr Hamber: No, I think it is exactly the opposite. I do not think that Healing Through Remembering is the type of organisation that makes those sorts of accusations publicly. What it is trying to say is that there are people out there who have a perception of Sir Kenneth in a certain way and, therefore, those are the types of issues that we need to be addressed in any type of process.

**Q280 Chairman:** Do you share that perception?

Dr Hamber: I would share the view that there are organisations out there that have that perception of Sir Kenneth Bloomfield.

**Q281 Chairman:** Do you share that perception yourself? Is it your perception?

Dr Hamber: My perception is that Sir Kenneth did his job in a certain way, he went forward with it, certainly there is a report in which there are two paragraphs on state violence and I can understand why certain organisations would look at that and interpret it in a certain way. I do not really have a specific opinion about whether he is biased or not in relation to this issue.

**Q282 Chairman:** You have come to Northern Ireland, you have set up this organisation and are acting as our tutor in these matters, surely you have a view.

Dr Hamber: I take exception to the fact that you are describing me as having set up this organisation, which I have not, this organisation was set up by a range of people across this society. I also take exception to the fact that you describe me as trying to tutor people. I have never tried to adopt that role in Northern Ireland, I have simply said if people want to hear information about my experience I will put it on the table.

**Q283 Mr Fraser:** Sorry to be pedantic about this, but you say here, unless these quotes are wrong, which I suspect they are not: "Despite the inclusive mandate and definition of victims, only two paragraphs of Sir Kenneth's report discussed those killed by state violence" and that this, together with other factors, "contributed to the strong perception of bias by the nationalist community". That is not them saying that, that is you saying that.

Dr Hamber: That report is a report which was written by at least 20 people.

**Q284 Mr Fraser:** Yes, but you are here representing that organisation.

Dr Hamber: I am indeed representing that organisation.

**Q285 Mr Fraser:** In most of your answers you have either said, "I give my personal view" or the view of your organisation. You are here as part of Healing Through Remembering and I hope your personal view is in line with what the view is in your chairmanship job surely.

Dr Hamber: Indeed. The quote as you read it out is that there is a perception within the nationalist community that his report was biased, that is what that was saying, it is not actually passing a specific judgment on it.

**Q286 Chairman:** I accept, of course, that there is a perception out there, but what I am asking is do you share that view? Is it your view as well?

Dr Hamber: My view is that there is a perception that that report had a limited focus on victims of state violence.

**Q287 Chairman:** Do you personally think that report was biased, yes or no?

Dr Hamber: I think it probably could have had a wider focus at a personal level. This is not the view of the organisation. At a personal level, it probably could have had a wider focus on the issue of state violence. I think this is a minor point. I am not here to basically come out and say whether I think his report is a biased report or not. It is a job which has been put on the table, issues have been placed on the table and the process is moving forward from that.

Ms Turner: What was important and what the group was saying when they wrote those first sections about the situation, and it is a very diverse group coming together, they were saying to each other, "What are the problems around this area? Why was it even difficult for us to sit down and have this conversation together?" These were some of the issues that came up and they said, "Look what has happened, there is a report that has been written about these issues and there are two paragraphs in it about what matters to us", and other people in the room were saying, "Now that you explain that to us we see that, we understand how that has made you feel not part of this debate and suspicious about any initiatives that come from the state". It was not about the people in that room saying, "Yes, we all agree that this report is biased", or "That chairman acted inappropriately", because that is not what we are trying to do in Healing Through Remembering, coming to these big judgments about people. We are trying to work out how do we deal with these issues in a way that we can hear each other, engage with other and trust each other. The people in that sub-group, and they are listed in the back of the report, they have written their own biographies, you can see the diversity, started sitting down together in 2004 when it was very hard for them to even be in the room together. They were identifying to each other why they were not able to talk about these issues. In putting this down in the report they were saying to each other, "We understand where people are having difficulties". We have taken ten minutes now having a debate as to whether or not that report was biased, but that is not the issue, the issue is people perceive that and it limited the dialogue and engagement. We need to have more engagement, more dialogue. We need to answer the fundamental questions about dealing with the past, one of which is there are people in our society who have already suffered the most and we have a duty to meet their needs and what should we be doing as a society to meet their variety of needs whether or not they are perceived within hierarchies. The other point is we are a society that went into conflict and has come out of conflict, hopefully. We have an enormous range of versions as to why that happened and how it happened and the trouble is we are in danger of those versions being embedded within communities. The reason that people are involved in Healing Through Remembering is they come to meetings once a month, they sit with people it is hard to be in a room with, they listen to opinions that they find hard to hear and address things which they find upsetting to remember, but they do it on a month-by-month basis because they think unless we deal with these issues there is a danger we are just papering it over and the conflict could re-emerge. They do not agree on how we can do it but they agree we need to talk about how we do it. Maybe we do not do a big truth recovery initiative, but let us not do it because we know that not doing it is the best way of it not happening again and serving the needs of individuals, not because we feel that people will not take part or it will cost too much. Let us examine it along with the other initiatives. Healing Through Remembering is about those five areas and a Truth Commission is just one part of truth recovery.

**Q288 Mr Hepburn:** There are a lot of Sir Kenneths about and, with all respect, Dr Hambers, academics who are telling working class people in the Falls Road and Shankhill Road what they need. Can you tell me why you think that your way out is what these people actually need?

Ms Turner: Because in Healing Through Remembering Groups Brandon does not make the decisions about the organisation. I am called a Project Coordinator, not a manager or a director, and I do not make the decisions about what the organisation does, they are made by the members within the group and they decide what research they want to do, whether they want to hold a conference, right through our submission to Eames-Bradley. We brought the members together and they had a debate and discussion about what they thought were the principles around dealing with the past, which was what went into the report. The decisions are not made by the academics in the room, they are not made by the staff, they are made by the people together having those conversations over a period of time. It does mean we have not come up with the magic solution for dealing with the past, and when we meet people they keep asking that, but we have found a space where people can talk to each other from a whole variety of backgrounds as to what might actually work and that is a slow process and about building trust and hearing these difficulties.

**Q289 Mr Hepburn:** You would say that you are reflecting the views of what I would say are the working class people, and I keep saying in the Falls Road and Shankhill Road but that is the crux of the matter. You reflect the views of what those people want.

Ms Turner: We are reflecting the views of a diverse society. I would not say I could sit here and say we are representing the views of working class or middle class, it is a range of people coming together that includes ---

**Q290 Mr Hepburn:** It is the people in those areas who have been affected most by the Troubles, is not?

Ms Turner: Yes.

**Q291 Mr Hepburn:** You might go to Bogside or whatever, but it is those people. I am not being critical, I am just asking, you could put up a fair argument to say that your way is the best way to help those people and you basically came to that conclusion because of your discussions and research and whatever to get that.

Ms Turner: I am not sure I would put it quite like that, but yes.

**Q292 Mr Hepburn:** Do you understand what I am saying?

Ms Turner: Yes. We are not academics or experts coming and saying, "This is the answer", it is the people. Healing Through Remembering is largely people from Northern Ireland but each sub-group has people from the South, from England, Scotland and Wales because we see the conflict has had an effect on people across these islands. It is a bottom-up approach from the ground, people saying, "We're discussing this, we're debating what we want", with the luxury of having international experts and local academics sitting in the room as well as people who are saying, "It's all very well saying that, but that organisation is not going to do that and this is the reality", or "Victims that I know are not going to accept that", people speaking with authority from organisations, groups or collections of people. Not speaking for them, everyone is there as an individual but there is an authority in their voice.

**Q293 Mr Hepburn:** You say you are a bottom-up approach from the grass roots up. How would you compare that with Sir Kenneth's report?

Ms Turner: Sir Kenneth was looking at one individual issue ten years ago in terms of the victims, and we are not a victims' organisation, so I cannot compare us like-for-like. If you are asking me to compare it with something that is set up by Government or ---

**Q294 Chairman:** Would you say he was a grass roots, bottom-up person?

Ms Turner: No, it was clearly set up from formal structures to carry out his Commission at that time.

**Q295 Mr Murphy:** Have you a view on whether there should be an amnesty?

Ms Turner: No. There is discussion in this document on it and discussion within the sub-group. It is one of those circular debates because you cannot discuss whether or not there should be an amnesty separate from your discussion about what it is you are trying to achieve in terms of truth recovery.

**Q296 Chairman:** Do you have a view?

Ms Turner: No, the organisation is still discussing that.

**Q297 Chairman:** Do you have a view?

Ms Turner: No.

**Q298 Chairman:** You do not.

Ms Turner: No, I am here as a member of staff of the organisation.

Dr Hamber: As Kate said, in terms of the organisation it has a debate that has gone round and round. In terms of some of the earlier discussion it is important that we go back to what the organisation actually does, which is this type of debate with a range of different people, and we have shown that works, that it is possible to get people together to talk about these issues despite their very diverse opinions. In terms of my own view, I do not think I have a specific view at this point about whether there should or should not be an amnesty. If we did go down any route of looking at questions of incentivising different people to engage in a process it might be some sort of debate we would need to have, but I do not have a hard and fast view on this.

**Q299 Mr Murphy:** Without an amnesty would you see former paramilitaries coming forward to tell the truth?

Dr Hamber: That would be one of the biggest challenges of any type of process, how to get individuals to come forward. I think there are two ways of approaching that. Either one approaches it in an individual way, which is what is the way that one might incentivise individuals to engage in the process, or the other way of doing it might be to say how would you engage various political groups who might have sway over individuals engaging in the process. My personal view would be that one probably has to engage in more of a political debate about is this something which various political groupings feel is necessary and important. If there was some sort of a green light at a political level that would probably facilitate the process better than making some sort of individual type of trading process, but that is an incredibly complex and difficult endeavour.

Ms Turner: It is not a black and white issue, like everything in this there are grey areas. In the patchwork of initiatives that are happening at the moment one of them is stories in the media and books and autobiographies and journalists say to us they have individuals coming to them saying, "I think my story needs to be told. I don't want to stand up in a public arena and say what I did but I am going to talk to you as a journalist so you have information" and journalists are saying, "I don't want this information, what am I going to do?" I am not certain that is a lot of people and it is certainly people from a range of different backgrounds, so it is not just there are a lot of people who need some incentive, for some people the incentive is, "If my story is going to be used as a way of there being peace for future generations". For some it needs to be not public. There are some people who want to get the information out and some people who never will and there are people in-between.

Chairman: I must bring Mr Wilson in, he has been pregnant with speech for at least 20 minutes!

**Q300 Sammy Wilson:** I just wonder how widespread this desire for a public Truth Commission happens to be. Let me give you some of the information which we have received and you would imagine these would be people who would be particularly interested in truth. The Historical Enquiries Team yesterday told us that about 55% of people they have contacted so far and told them they were going to look at a case and wanted to interface with them were prompted. A very small minority of people actually go to the Historical Enquiries Team and ask, "Would you initiate an investigation into my case". Even when prompted only 55% have asked the Historical Enquiries Team, "Keep me informed, I want to know what is happening", et cetera. That is amongst people who have lost relatives, which would indicate to me that there is not a massive desire for this. Take Stephen's point, I do not see any mad push within the communities which were perhaps most affected by the Troubles to have all of the past spelt out again in some kind of truth and reconciliation group. I take it that people from your group are self-selecting, people who for one reason or another want to be there, either because they like talking about things or sometimes have an agenda, they want to find a mechanism to get the state under the spotlight again through truth and reconciliation. What evidence do you have that wider society actually wants this opening of the box to spell out what happened in the past and the reasons why it happened, who did it, why they did it and where they did it, et cetera?

Ms Turner: From our very beginning, as I said at the start, we were set up to exist for a week, we did not think there was that much interest in this debate, but the organisation has grown and continued to grow because more and more people are interested. We get newspaper clippings and in the early days we got a few a day, but now we are getting dozens of clippings each day because there is more and more stuff in the media about the past and dealing with the past. We are living in this uneasy peace and are very wary of doing anything that unsettles it. A lot of people will say, as you heard earlier, that they are scared that looking at the past is going to destabilise that, and I agree that is a very common feeling. A lot of the people who are involved in Healing Through Remembering have that view. There are people in the organisation now who say, "I sat outside the organisation four or five years ago and thought what are these people doing, but I started to look around and realised we need to decide what we are doing about dealing with the past or else it is going to come back and affect the future". There are people in each of the groups who do not think that the recommendation we are looking at is a good idea and that is part of the dialogue we have within the organisation. Healing Through Remembering is definitely not a group of people who are saying, "We want a Truth Commission", it is a group of people saying, "We want a dialogue about how we deal with the past", and part of that dialogue is around truth recovery, not even necessarily around a Truth Commission. The difficulty is that when you talk to people who have not been debating on this issue they immediately think any kind of truth recovery means a South African-style Truth Commission and they perceive that as being a big, public, televised, media-driven event. They also see it as an event where victims and perpetrators encounter each other. Brandon can explain better that these perceptions are not what happened in South Africa, but it is also not what happened in the 30-odd other countries where there have been Truth Commissions, so the trouble is the debate is at a fairly naive level, which is understandable, and that is why the group who are undecided on this issue produced this report, *Making Peace with the Past*, because they wanted to inform the debate.

**Q301 Chairman:** You keep using the word, "the group" and you have used the word "members", and you have told us there are 108 members. Is the group and the 108 members one and the same body or do you go out and embrace a lot more people because that is very relevant?

Ms Turner: When I refer to "the group", I am referring to one of the sub-groups. That is a group of between 16 and 26 people looking at this issue on a month-to-month issue.

**Q302 Chairman:** But drawn from the 108?

Ms Turner: Yes.

**Q303 Sammy Wilson:** I am at a loss to understand. If you say, first of all, one of the reasons we need to talk about the past and truth and reconciliation to remember and whatnot, that strikes me as something which if it is going to have wider public benefits needs to be public, yet you are saying it does not necessarily have to be public, this can be something which can be done presumably between individuals or behind closed doors or whatever. How do you get this wider reconciliation if it is not at the public Truth Commission level where it is all going to be held in public?

Ms Turner: You should come and join one of the sub-groups, this is the kind of thing we debate on a month-by-month basis. The second option in this report is about internal investigations and, as Brandon said, it was mirrored on the disappeared and is about going to an intermediary who goes to organisations to get individual answers. That does not feed the wider debate in society about dealing with the past but the group recognise maybe that cannot be done through truth recovery and that is why they presented that as one of the options for discussion, but when we took that out to our 12 public roadshows we have had with this report, that was the one that the audience in a whole range of venues said, "That is not going to give us answers".

**Q304 Chairman:** What sort of audiences? What size of audiences?

Ms Turner: Some of them were small. The largest one was about 50 and the smallest one was about four.

Sammy Wilson: Presumably the Historical Enquiries Team does that on a one-to-one basis, the Police Ombudsman does that on a one-to-one basis with people who have had members of their families killed or whatever. Dr Hamber talked about something much wider than that. He talked about a kind of truth body which, I think I wrote the words down, "subpoena, search, et cetera". I know it was a personal opinion that he was expressing, but if that is the route we are going down I would see that as fairly one-sided for two reasons. First of all, if you are going to have people to search and subpoena, et cetera, you are more likely to be searching through police and Army records, et cetera, you are not going to be searching through the records of the paramilitaries or the UDA or the UVF, there is nothing to search there. It is going to be very much one-sided. I can understand why some republicans would love that because not only do they get what the Historical Enquiries Team is doing in a very controlled way at present but they get this done in the full light of publicity and, of course, they can learn lots of things from that. The second thing is I know lots of people who previously never were convicted but were involved in paramilitary activity in Northern Ireland and some of them are now teachers, some are businessmen, some look back on their past and wonder how they ever got involved in that, "Thank God, I was never charged. Thank God, I was never in a police station", but they know they were involved in it. Do you honestly think that those people who now have a stake in society, now have a job where they are looked up to, are ever, ever going to volunteer? You say we need a debate on this but this is one of the reasons why I think what you are suggesting can only go in one direction, and that is to expose the police, the Army, the state, to the full scrutiny and never get anywhere near the people who performed terrorism.

**Q305 Chairman:** Could I ask you to make a fairly brief, succinct reply to that because we are nearing the end of our 45 minutes and there are some more witnesses to appear before us before we fly back to London. The essential point of Mr Wilson's question was that this would become rather one-sided and biased. How do you answer that?

Dr Hamber: I will be succinct. Firstly, I feel I set the tone off in the wrong way at the beginning of the hearing. My task, or the way I saw what I was trying to say, was not to try and divert attention from the Healing Through Remembering project, which is what this is essentially about, it is about debate and a wider process and they are putting options on the table. I expressed an opinion, so I do not want that to be confused. When I raised that issue, what I was trying to say was I feel if we discount that issue we need to put out a very coherent argument saying why we are not going down that route. That is both a practical argument on some of the points you have just outlined as well as a principled argument because we need to bear in mind that in a lot of other societies around the world the opinion is they need to account for the past, there needs to be an uncovering of the truth, so if we are not choosing that route in this society we need to be very clear as to why we are not choosing that route. That is simply what I was trying to say and I feel I set the tone incorrectly and perhaps created the impression that Healing Through Remembering is advocating a Truth Commission, which it is not, and it has those diversity of opinions. In terms of the specific question, equally if we were to debate this as a simple point of debate rather than trying to put this forward as, "This is what has to be done", you could probably make an argument that if there was a wide-ranging process that looked at all the types of violations there would be very few armed groups in this society that would come out looking very good. For example, it is absolutely clear that paramilitaries killed more people than anybody else, so if there was a wide-ranging process trying to paint a broad picture of the past, there is the potential that could be balanced against other types of issues and, in fact, they could come out looking a lot worse from that process with very poor structures of how that was authorised, how they understood what was legitimate and what was not, et cetera. I am just saying at the level of argument there is the chance those issues could be looked at differently.

Sammy Wilson: We do not need a Truth Commission to tell us how many people were killed by the UVF, the UDA and the IRA, there are books written on it, statistics given. If you ask for it in Parliament you will get that. If that is the only benefit you see, that everybody will come out looking bad, I have to say that is a fairly weak argument for having that kind of thing. Why have you given us a personal opinion? The answer Ms Turner gave links the two in. If this is going to be about some wider good for society and if you want to go down the route we are talking about then you cannot have it anything other than public and all the dangers that there are will come to the fore.

**Q306 Chairman:** Do you want to respond briefly to that?

Dr Hamber: No, it is okay.

Chairman: Thank you very much. Thank you for seeking to clarify in your last remarks. I think we all accept and appreciate that you are seeking to do good and find a way forward. What you have said will certainly be taken into account. When you leave today, if you feel there are points you wish further to clarify, things that you have not been able to get across to us for whatever reason, perhaps you could send a further written submission to our clerk. We shall be continuing to take evidence for at least another couple of months, so there will be ample opportunity for any supplementary material to be read by all the Members of the Committee and taken into account. Thank you very much.

Witnesses: **Mrs Sandra Peake** and **Mr Alan McBride**, WAVE, gave evidence.

**Q307 Chairman:** Mr McBride, Mrs Peake, can I welcome you both. Thank you very much for coming. I think you heard some of the last session but you probably did not hear any of Sir Kenneth's evidence, is that right?

Mrs Peake: That is right.

**Q308 Chairman:** Would you like to say a little bit about your organisation? I know you have been in existence for the best part of 20 years. Could you fill us in briefly on the background and how you see things and then we will ask you some specific questions. Two of my colleagues have to leave to get early flights, so I hope you will acquit them of any discourtesy. The rest of us, of course, will certainly be staying to ask you questions until 12.30 or thereabouts. Who would like to take the lead?

Mrs Peake: Alan and I both work for an organisation called WAVE. Primarily we provide support and training services to people who have been bereaved, traumatised or injured as a result of the Troubles. To date we have provided support to over 3,000 individuals. We have five centres working right across the North providing a range of support services to individuals and families. Referrals to WAVE continue on a daily basis from people who were affected in the early 1970s to more recent times.

**Q309 Chairman:** You are giving practical help to these people right across the Province?

Mrs Peake: Yes.

**Q310 Chairman:** How are you funded? How many are you?

Mrs Peake: We are funded by really quite a diverse range. We are very heavily EU funded and have been over the last number of years. We also have core funding through the Victims Unit, other diverse sources of small grant funding and we have to raise money ourselves in relation to sustaining support services.

**Q311 Chairman:** So you are a registered charity?

Mrs Peake: We are, and a limited company.

**Q312 Chairman:** You have some money from the Government?

Mrs Peake: Yes.

**Q313 Chairman:** And you have some money from foundations and other charities?

Mrs Peake: Yes.

**Q314 Chairman:** And some from individuals?

Mrs Peake: Yes.

**Q315 Chairman:** What is your budget?

Mrs Peake: Just over £1 million running on an 18 month to two year basis.

**Q316 Chairman:** This is to cater for five officers in Belfast, Londonderry?

Mrs Peake: Ballymoney, Omagh and Armagh. Each of those centres will also provide locally based services to areas like Enniskillen, Cookstown, Strabane.

**Q317 Chairman:** Is each office manned on a daily basis?

Mrs Peake: It is, yes.

**Q318 Chairman:** Office hours?

Mrs Peake: Through office hours and we also provide evening and weekend programmes.

**Q319 Chairman:** Do you? How many people are giving this service?

Mrs Peake: Belfast would have the largest staff team because our finance would be centralised through Belfast where we also have a training component. We provide trauma training opportunities to communities and other agencies. Each centre would have four to five members of staff on average and a volunteer network of around 15.

**Q320 Chairman:** So you are heavily dependent upon volunteers?

Mrs Peake: Yes, we are.

**Q321 Chairman:** Drawn from both communities?

Mrs Peake: Yes.

**Q322 Chairman:** It sounds to me that you are doing some very valuable work. How do you set about your work? Do you look for people or do they look for you? Is it referral by personal knowledge or recommendation? How does this happen?

Mrs Peake: Over time it has changed. I came into WAVE in 1995 and at that stage there were still many people coming forward in terms of the death of their loved one and, therefore, our role was more proactive in that we would have made contact with families to let them know that support services existed. Thankfully, that has changed and now we have a greater number of people making contact with us directly. Word of mouth is a major factor. Also, we have a very clear support role and trust is a very big issue within communities. Our referral base is very diverse, from political parties to local clergy to doctors, the whole spectrum of health professionals.

**Q323 Chairman:** When you say local clergy, you mean both Roman Catholic and Protestant, do you not?

Mrs Peake: Yes.

**Q324 Chairman:** If the Roman Catholic father or Presbyterian minister refers a widow to you - I am not asking you to break any confidences - what sort of support and help do you give?

Mrs Peake: Our first point of contact will be to determine where that person wants to be seen. We have a very extensive outreach network, we have people who go out to people's homes. To be truthful, if you relied on people to come in to any of the centres without that first step it would be very difficult. Sometimes people need that service brought to them. We would then see what we can do to provide support to them. We have a continuum of support services on offer from befriending or a listening ear service to different groups for different issues, I suppose, to an advice and welfare function.

**Q325 Chairman:** Can you give us some specific examples of the sort of help you give? It is helpful for us to know. Do you give financial help or do you merely give counselling help? What sorts of things do you do?

Mrs Peake: The help that we give will depend on what needs individuals have. We can provide counselling help and some people will go into counselling with registered Masters level therapists to a set standard that we have. Other people may want just to be visited and have support for some time and it would be through that ongoing support that their needs would be identified. Others will be facing financial or other difficulties, housing issues, benefit issues, and that support is available. In some cases they may be facing difficulties for their children and we have a youth service, so that youth service might work with them. For some it will be to meet other people who have shared some of their experiences and we have access into groups of people who have a variety of experiences, some might be bereavement, some injury.

**Q326 Chairman:** How do you give financial help and of what sort of order? I will tell you why I ask. Sir Kenneth, when he gave his evidence this morning which, sadly, you did not hear, said that one of the things he would like to see is some form of structured benefit system to help victims over a longer period. Once he recognised the difficulties he felt that this would be a very sensible, practical way of doing it. First of all, what, presumably limited, financial help can you give? Secondly, would you welcome something along the lines Sir Kenneth advocates?

Mrs Peake: Firstly, our financial help is not monetary, it would be advice. We will signpost people to available help and work with them as necessary to access that help. Secondly, we would welcome a revision of the system. One of our concerns is the fact that some people have suffered very detrimentally financially and emotionally and it has had a long-term impact and at present there is not a centralised funding measure that will adequately meet their needs.

Chairman: That was his point.

**Q327 Mr Fraser:** You are obviously spending a great deal of time with these people. What were you doing before you were doing this? What are your backgrounds as individuals?

Mrs Peake: My background is nursing.

Mr McBride: I was a pig butcher.

**Q328 Mr Fraser:** So you have come to this because you felt passionately about trying to help these people. Obviously you have come in that regard, have you not?

Mrs Peake: Yes. I came in 1995 and at that stage it was to develop support services.

**Q329 Chairman:** When did the pig butcher come in?



Mr McBride: I got involved in it because my wife was murdered in 1993. It was her father's fish shop and she worked in the next block to where I had the butcher's shop, so for very personal reasons I did not feel I wanted to go back and spend my time doing that, so I went and retrained as a youth worker and have been working in youth work ever since basically. That is my background. Since I left school at 16 I worked as a butcher up until I was 29.

**Q330 Mr Fraser:** In terms of what you have just described, Mr McBride, and I am sorry to ask you these questions but it is important we know your background, you have just described a situation where you had to deal with your life and you have moved on clearly from being here and what you are trying to achieve. How can we see closure for other people? You heard some of the evidence just now and there is a great, complicated array of opportunities ahead of us, and obviously some threats to the same in the way that have been described in conversations we have had, but how do we find a way forward jointly so that as a society here in Northern Ireland we can eventually move forward together?

Mr McBride: If I can tell my own particular story and I will probably have to contextualise it by saying in all cases you probably will not find closure for folk, and that is a reality we need to come to terms with. Regardless of what you put in place there are going to be people out there who will largely remain outside of whatever it is you put in place. I was at some of the Bradley-Eames consultative group meetings very recently and heard a number of people speak to the floor and what they want to see happen is to would have the people who murdered their loved ones back in prison and people who were linked to paramilitary organisations out of the government of Northern Ireland, and with the best will in the world we all know those things are not going to happen. We need to say to people, "If that is what you want in terms of dealing with the past, we are sorry but we really can't deliver that", so what we have to find is other ways of dealing with this kind of stuff. It is very important we say to those people they are not going to get the sense of justice they feel they want. Let us be honest, there is probably nobody in this room who would want to deny them that, yet we are all realists and know that the political process has moved on and for the first time, certainly in my lifetime, we have a stable government here and we do not want to see that go, so we have to say to those people, "We are sorry, but we can't give you what you are asking for". What we then have to do is concentrate on other things that are going to try to be helpful to the process but also remember for some folk it may not be enough. One of the things that helped me a lot was I was quite fortunate when my wife died that she happened to be working in the Health Service and I am sure you all know that when you get compensation you get compensated for loss of earnings and because she had a good job the compensation I got was reasonable. Obviously you cannot compensate for loss of life, and no-one is suggesting you can, but the compensation I got meant that I was able to leave work to go back to university to study and that gave me sufficient mobility in terms of being able to move around to do different jobs, something which I find invaluable and means I am able to put something back. Beyond that, the other thing that was most helpful to me was being given the ability to tell my story, and I have done that at lots of different meetings and groups, some small groups of maybe three to four people, some large groups. I gave the Bloody Sunday Lecture in Derry two years ago and for me that has been very helpful in being able to come forward and talk about what I have been through and how I have dealt with it. That is something that we probably need to look at as well. The other thing that has been very helpful to me, and I do not think you can legislate for this, is the kind of people I have been able to surround myself with and get involved with through my work and other things. I have met with republican and loyalist ex-prisoners. Initially I was very reluctant to do so, I was very suspicious about what it was that they wanted from me and how we could relate together, but after a while, meeting and discussing a whole range of things, you start to not demonise people so much you have got to know because they took part in the conflict. I have been able to have discussions around things that had you said to me ten years ago I would have been having discussions on I probably would have said, "Absolutely no way". When I think of where people are at the moment and see some people involved in victims' work, they have surrounded themselves with people of a like mind so there is no challenge. The people who come to the groups in some instances are held back because they cannot move on because the people who are representing them are not moving on either. I was fortunate that I was able to have those experiences. I do not know how you could legislate for some of that stuff, which is why I think it is particularly difficult.

**Q331 Mr Fraser:** Are you working closely with Healing Through Remembering?

Mr McBride: I sit on their Board.

**Q332 Mr Fraser:** I thought there was an integration there!

Mr McBride: And I chair one of their groups looking at the memorial museum. It is through organisations like Healing Through Remembering that I have got to know people who were former combatants and other victims. There is no one-size-fits-all, which is why certainly Healing Through Remembering, and we would support this view as well, are in favour of a menu of options for dealing with the past.

**Q333 Mr Fraser:** In terms of how one moves that forward, the idea of a single integrated approach rather than different historic inquiries, would you feel that may be a way forward to focus on rather than it being, with all respect, a disparate set-up as it could currently be seen, or not?

Mrs Peake: There are a number of options for families and some of them are driven by their circumstances. If you look at our work with families some of it involves their work with the Historical Enquiries Team and for other families it is around the Police Ombudsman Sapphire Team, and for some it is around the Commission for the Disappeared because of the very nature of their circumstances. If you are saying that one body could do all that, I am not sure about that because each of those cases in terms of the mechanism and the way they are set up has benefits for some families, maybe not for all, and it is driven by the individual nature of their circumstances.

**Q334 Chairman:** We were thoroughly impressed by the sensitivity displayed both by HET and the Ombudsman's office and we were fairly impressed, I think, by the thoroughness of their inquiries. Would that be your impression too?

Mrs Peake: Yes. I think they have taken time to look at their protocols. They have taken time in relation to accessing training and other support mechanisms. Also, they have taken time to listen to both positive and what they may consider as negative feedback and have learnt from that in relation to how they inform their practice. The role of family liaison has been very important for families because in the past they might not necessarily have had that, so the fact they have somebody who starts with them and, hopefully, will finish with them is something which is very important. From speaking to a number of people who have come through that process from the early 1970s, the fact that someone is sitting down, listening, coming back with answers, adhering to the promises and undertakings they have given, has validity. Even to record at the time that an investigation was not adequate or things were overlooked, there is something very positive for families in relation to having that process.

**Q335 Chairman:** Would you go along with that, Mr McBride?

Mr McBride: Yes.

**Q336 Mr Murphy:** It says here you are dealing with 3,600 people, and you have probably had more contact than any other organisation, I would suggest, in Northern Ireland, so you are probably best-placed to understand the requirements of those individuals and families that you deal with. Compensation was mentioned earlier by the first witness today. Would you see that as an essential part of moving forward, either to revisit the actual compensation people received, and in some cases it was not very much, or to improve the benefit system to recognise the economic problems people have suffered as a result of this?

Mrs Peake: Absolutely. We have undertaken two recent consultations across the organisation and one of the central issues that came out of both those consultations in relation to dealing with the past was the issue of compensation. Many people, I suppose, have viewed it in terms of lack of recognition, the fact that they have been taken to places they would not have been in but for what happened. At a level, whether it is re-looking at compensation or looking at what can be set up to meet the needs of those people and to be needs reflective, that would be very welcome.

Mr McBride: Some of the stuff that came out of our research, particularly with folk who suffered injury in the Troubles, was the compensation they got in many instances did not take on board the long-term nature of their problems, so as their problems got worse over the years the compensation was no longer adequate.

**Q337 Chairman:** This was the point Sir Kenneth was seeking to make and why he was rather in favour of a benefit. Clearly you would both concur with that?

Mrs Peake: Yes.

**Q338 Chairman:** Another point Sir Kenneth made was that on balance he was inclined to be favourably disposed towards an amnesty. What is your view there?

Mr McBride: For me, it begs the question in terms of the whole Truth Commission idea and whether or not in all instances you have to buy the truth. I think you probably do, you have to have some carrot in order to encourage people. I think it was Mr Wilson who spoke earlier about folk who maybe had moved on and become teachers or businessmen, et cetera, and how do you encourage those folk to come forward and tell the truth. An amnesty would not be a carrot at all because they were never brought before a court, they never had a criminal record anyway. It is something we have not really discussed, to be honest with you. Any time that I have mentioned it within the victim survivor community that we work in, I know many people who were affected by the conflict have not been in favour of it, they see all sorts of problems. It is something that we need to have more discussion around. My personal opinion is I think we gave away all the carrots when we signed the Good Friday Agreement and perhaps if we had it linked with truth for prisoners, truth for guns or something like that, there would have been some more bargaining power.

**Q339 Chairman:** You cannot go back.

Mr McBride: We cannot go back and the bargaining power we have at the moment is very weak. There is an issue around people not having criminal records any longer which might mean they can travel to other countries and get jobs, et cetera, and maybe you could look at that, but it is a very weak bargaining chip. That is a personal opinion.

**Q340 Chairman:** What about the issue of the Truth Commission? Sir Kenneth was very sceptical about it. Our previous witnesses rather put forward the view that you had to put up a good case against it and there was a degree of support for it. You are part of healing and so on, what are your views personally?

Mr McBride: I can see benefits of it. If I can answer anecdotally and very quickly. I was speaking at a conference about two years ago with young people aged between 13 and 16. I was telling my own story, and at the end of it one of the young fellas who was about 15, so he would have been about two when the Shankhill bomb happened in which I lost my wife, stood up and basically challenged me about what happened that day and my version of it. He basically alleged that there was a meeting taking place in the upper room where my wife was murdered of top UDA personnel and this was the reason the bomb was placed there and that was how my wife came to die. I have heard that rumour as well, I do not think it has ever been verified or openly acknowledged that was the case. That is just one anecdote. If for no other reason than just setting the record straight, I think a Truth Commission probably very quickly could bring some answers to some of those questions around the actual facts of the case. For me there are definitely some benefits in having a Truth Commission. For me, the issue is not necessarily whether we get to the truth or not, it is how we do it, whether we have a full-blown commission or whether we look at some of the other options that I know Healing Through Remembering have been putting forward and also the Eolas Report which was put out as well which identified two further models. What we need to do here is not to come down and say, "This is what we need" but to have a very sophisticated discussion. At the moment the debate has not really happened and it has not engaged the victim and survivor community, they have largely been absent from the debate and the first part of call must be to have that debate, not just look at the South African model but look at other models. I think Kate Turner said there are around 30 models around the world and we probably need to look at all of those and try to pick out bits and pieces to find out whether there is a model that would work well in a Northern Irish context. Rather than saying we need a Truth Commission, I think I would be saying we need a debate around whether we should have one or not.

**Q341 Chairman:** What is your view?

Mrs Peake: Similarly, in our discussions within WAVE there is a great variety. For some people there is a pressing need for a process where they will discover the truth. Others have spoken about the fact that it is easier having a faceless person than having the face of someone they know who was responsible in the 1970s, 1980s or 1990s for their loved one's death. You cannot say there is general widespread agreement that this would be the best way forward. I would share Alan's view that one process would not fit all by any means. In terms of some of our work, there have been small processes where we can see for some families it has brought a degree of helping them in the longer term process. Small examples of that would be the Commission of the Disappeared and their model for helping those families get information on where their loved ones are buried, which has been a positive process and there has been positive engagement in relation to recovering their loved one's remains. In other cases it is about setting up a variety of meetings or mechanisms for people to get information and for some that assists them in relation to moving forward. One process that the Historical Enquiries Team have engaged in is in relation to providing, when they have their process completed, a revision to the 'Lost Lives' record that is held in relation to whether there is information that was inaccurate at the time. They are putting a process in place for

clarifying those details and, to be quite truthful, that has been major because for some people that record is there, it is bound, it is held, used as reference, and for some people there are difficulties when those details are incorrect.

**Q342 Chairman:** I know this is the most difficult question of all, but what is your view about the medium to long-term future? Sir Kenneth made the point, and others have made it to us, and we ourselves are very concerned about the vast cost of public inquiries and he said he was not in the business of advocating extra wages or fees for lawyers and other things. Also there is this feeling that one does detect wherever one talks that although there is a desire for truth, desire for as much knowledge as possible, nevertheless the past must not overwhelm the present and jeopardise the future. Is there a time when we should stop dealing with the past?

Mr McBride: I think there will come a time when as a society we should probably stop dealing with the past in that I think victims and survivors and people who were impacted by the past will go on and remember in their own way. What we are trying to do with the whole debate around dealing with the past is to have something that we can hang the past on in order to free us up to move into the future. That seems to me to be the rationale. My fear is if we do not do that you are going to leave the past to be determined by the tabloid press, which fill their pages Sunday after Sunday with different atrocities and different truths that are coming out about these atrocities. Those things are sold around Northern Ireland and the families have to deal with this every Sunday and come to terms with things that are being revealed.

**Q343 Chairman:** It is very, very difficult, but how and when do you think the line should be drawn?

Mr McBride: It is difficult to put a time on it, to be honest with you. With the passing of time, things which perhaps are not possible today become more possible. For example, if you look at a very contested issue around a memorial for victims, particularly a memorial which would have the names of those who died on the memorial, I think now is probably too soon to have something where all the people who died would be written on it side-by-side, but with the passing of time something like that may well become possible. There are things in the future that we will probably put in place.

**Q344 Chairman:** Do you think, and I apologise if the question is particularly difficult in your case, that you could accept a memorial that had both your late wife's name on it and the name of the person, if known, who killed her?

Mr McBride: I probably would find that to be very difficult. That said, I recognise in the Shankhill bomb, and to me this goes straight to the heart of the matter, I lost my wife and Mrs Begley lost a son, Mrs Begley's son murdered my wife. I would rather be in my position than in her position, but I still respect the fact that she may well want her son to be remembered as a person who was affected by the conflict, because at the end of the day, whether we like it or not, an unpalatable truth for me is the fact that if Thomas Begley had grown up in another part of the UK he probably would not have killed my wife and he would not have died either. I do respect the fact that we need to find some way, and I do not know how to do this, this is the difficulty, and surely somebody out there has some imagination whereby we could come up with something that would recognise both of our hurts. I would be against having some meaningless statue without names somewhere which commemorates all the people who died because I would want to see my wife's name on it.

**Q345 Chairman:** So you would want to see something a little bit like perhaps the arboretum the Queen opened earlier this year for those who have died in the Forces since the last war. You would like to see some memorial in Northern Ireland eventually.

Mr McBride: In a personal capacity, absolutely. With my Healing Through Remembering hat on, we have been looking at the whole idea of a permanent living memorial museum whereby you have a building which would tell the story of the Northern Ireland Troubles from all different perspectives and people could come and see and learn. Perhaps there would be housed a memorial in that building. For me, the main reason for memorialising the conflict would be not only to remember all the people who died but to make sure we learn lessons from it and ensure these things never happen again and our young people and their young people can come and learn from this very difficult and horrible period of our history. That is what I would like to see happen.

**Q346 Mr Fraser:** You just touched on a very important point, young people and how they see this. Accepting the point you make about wanting this living memorial, which is an interesting concept, until that happens how do you deal with young people? How do you stop what I would suggest is the possible prejudice? As a father myself I can tell my children certain things, what is the expression, "Do what I say, not what I do". How does one stop the next generation from feeling anger about this?

Mr McBride: Obviously parents have a role here. I suppose there is a big issue around parents taking that on, some parents do and some parents do. Beyond that, we have to get it into our schools and youth clubs. We have to look at ways where we can learn from our history. One of the projects that I have been very fortunate to be involved with is a project called Facing History and Ourselves, which is run primarily in the States although they have come to Northern Ireland and we ran a programme ourselves based in the WAVE Trauma Centre where they look at history and start to learn, not so much dates, facts and figures and who did what to who, but what does it mean for us today and how can we learn from it.

**Q347 Chairman:** Where was this based here?

Mr McBride: No, it is based in the US.

**Q348 Chairman:** But you said there was something here.

Mr McBride: I ran a programme in WAVE simply because I had been to one of their summer schools. I do not believe they have a presence in Northern Ireland. There is a group of around 90 coming over in May. People who are involved in Facing History throughout the US are coming to Northern Ireland and doing a fact finding mission here. I know there are some movements being made to see if this thing can be rolled out in schools in the curriculum. Facing history and dealing with our history is one of the big challenges for our new society. We need to find a way of building a shared future and looking and learning from the past, I am 100 per cent sold on that. I do know it is a debate for us and we are having a conference tomorrow looking at the whole notion of truth telling and there are about 40 or 50 members of WAVE coming to that, so we are playing our part in that.

**Q349 Chairman:** Tell us a little about that tomorrow. What is the conference that is being held?

Mr McBride: We have actually stolen the title from one of the Healing Through Remembering publications, so apologies for that, guys. It is entitled "Making Peace with the Past" and there is a guy called Wilhelm Verwoerd, who is from South Africa, and his grandfather was Hendrik Verwoerd who was the old South African Prime Minister when apartheid came on.

**Q350 Chairman:** I remember him well, yes.

Mr McBride: Wilhelm is going to be coming and exploring some thoughts around the whole issue of dealing with the past.

**Q351 Chairman:** How do you structure a conference like that? Where are you holding it?

Mr McBride: We are holding it at WAVE. There are going to be about 40 or 50 people, all of whom have been directly affected by the violence who have lost members of their family.

**Q352 Chairman:** It is an invited group of people?

Mr McBride: Yes. There are about 50 people coming to it. We will probably have Wilhelm speaking in the morning and myself and another guy from another victims group across town are going to be doing a panel on the whole idea of truth telling and then we will break into some workshops. The workshops for us is where it is at because we will have folk who come, who lost people in the conflict, who cannot come and speak in groups like this but are much more likely to speak in very small intimate groups, so they will come forward and share their views as well.

**Q353 Chairman:** This is going to be in Belfast?

Mr McBride: It is going to be in Belfast, yes.

Mrs Peake: We also have focused on people who would not normally come to such public conferences that are held in other areas, they are not 'serial conference-goers'. They are people who are very interested in the issues and might not necessarily have that opportunity normally, but because they have had contact with the organisation they are happy and are willing to come through that mechanism. It is a regional initiative with people coming from all over.

**Q354 Chairman:** That is very interesting. What are both of your views on the Victims Commissioner, this business of having four Commissioners? Is this a cop-out or is it a good idea?

Mr McBride: When Bertha McDougall, the interim Commissioner for Victims, was doing her consultation, we suggested that perhaps they think about the idea of a Commission because it was always going to be very difficult to see how one person could do that job. That is not to show any disrespect to the people who applied for the job, many who applied were very capable, very able people, but given we come from a very divided, very diverse society it was always going to be a very tough question to get one person to address. We were in favour of the Commission. That said, I do think we have a number of concerns around the way the Commission was set up. I do not believe that it was particularly well thought through. This is a personal opinion. I think it was probably built on the fact that the DUP and Sinn Fein could not really agree a candidate so it just emerged. I also think the fact that the legislation even today is not in place would further spell out for me that they had not thought this through well enough. I have other concerns around the fact that there are four Commissioners on a very well-publicised pay scale, £65,000 each, with no-one taking overall responsibility. In terms of public relations, the four were announced at the same time and many victims organisations in the sector that we work for are finding it very difficult just to make ends meet with funding coming to an end, et cetera. We have loads of issues with it but, that said, I am more than prepared to give it time, let it bed in and see what sort of work they do. All the candidates on it are well able people and I am sure they will make a significant contribution, but we need to iron out some of the protocols initially.

**Q355 Chairman:** You would ratify and monitor?

Mr McBride: Absolutely. There is no other way to go on this. It is important that we do that.

Mrs Peake: We have waited some time for this to happen in terms of the length of time it took for an appointment to happen. What was happening in the sector over that time was many decisions were not being made because it was on-hold and we had to wait and see in relation to the Commissioner being appointed. The sector as a whole is facing major difficulties in relation to the end of European funding at the end of June. I agree with Alan's point that that does cause a major difficulty in relation to providing any level of continuity because you have people coming to you and in all likelihood we will finish with them, they will get the level of support they need, but that will be very difficult when the summer sees the end of considerable money.

**Q356 Chairman:** Mr McBride is himself a victim and he speaks very movingly about these things. How many of your people have similar experiences to those of Mr McBride?

Mrs Peake: We have just over 30 staff and a third of our staff team have direct bereavement. We have a Management Board and three-quarters of that Management Board have direct experience of the Troubles through bereavement or injury, and quite a number of our volunteers.

**Q357 Chairman:** One of the things that has struck me over the last couple of days has been that everything is geared to those who were bereaved. There were many who suffered in the Troubles personally or through their houses being burned down or whatever, but many who suffered grievous injuries, maiming, blinding, all that sort of thing, and I wonder if the system is geared sufficiently to them. What do you think?

Mrs Peake: That is a major issue for people who have been affected in that way at a number of levels. In our report on the back of the consultation to the Bradley-Eames consortium we did make the point that many of those who have been injured in whatever way have often felt attention has focused on the bereaved and in some ways their needs and the complexity of their needs have not been recognised, and the fact there is no official record of who has been affected. We know the names of those who have died but the estimates in relation to those injured are only estimates. It is estimated that anything between 40,000 to 100,000 have been injured.

That causes issues for people in relation to how they have fared and in terms of how they have been treated long-term.

**Q358 Mr Fraser:** Your overall aim is to offer support to anyone bereaved or traumatised?

Mrs Peake: Yes.

**Q359 Chairman:** I am grateful for your observations. Thank you both very much indeed for the evidence you have given, we are very grateful to you. Thank you for what you are doing and continue to do. We shall be making our recommendations over the summer. If there are points you wish to send in a written submission after today's hearing, things that you feel you have not been able to explore in-depth with us, please let our clerk know.

Mrs Peake: We have left a number of our reports with you.

Chairman: That is helpful, but anything specific. Thank you very much.