

'Remembering': Victims, Survivors and Commemoration  
**'Developments in Government Policy, 2005-2009'**  
by Dr John Nagle (2009)

## Introduction

There have been two major developments concerning victims/survivors since 2005: firstly the appointment of the four Victims' Commissioners to the Commission for Victims and Survivors, and secondly the establishment of the 'Consultative Group on the Past', the so-called Eames/Bradley Group. Both initiatives have garnered both high-profile public attention and divided opinions. Alongside these, in 2005 after a process of consultation with the victims/survivors sector, the House of Commons Northern Ireland Affairs Committee released a report, entitled *Ways of Dealing with Northern Ireland's Past: Interim Report – Victims and Survivors*.

### 1. Victims' Commissioner(s)

The first Victims' Commissioner was Sir Kenneth Bloomfield, a former public servant who was appointed for a fixed term to the position by the then Secretary of State for Northern Ireland, Marjorie Mowlam, in December 1997. As the Victims' Commissioner, it was Bloomfield's task to produce a report outlining the development of the victims' sector in Northern Ireland. His report entitled, [We Will Remember Them](#), was published in April 1998.

The suspension of the Northern Ireland Executive on 14 October 2002 resulted in the reintroduction of Direct Rule. In 2002 the UK government decided against a Victims' and Survivors' Commissioner 'given that no clear view emerged during the consultation as to whether a Commissioner should be appointed'.<sup>1</sup> In 2003–04, the Minister with responsibility for victims conducted another consultation, in which 'there was a divergence of views on the need for a Victims Commissioner'.<sup>2</sup>

On 1 March 2005 the then Secretary of State, Paul Murphy, launched the consultation document [Services for Victims and Survivors](#). During the launch, Murphy took the opportunity to announce – in line with one of major recommendations of the consultation document – proposals to appoint a Commissioner for Victims and Survivors, as well as instigating a period of consultation on the detailed remit of the post, and on the wider future of services for victims and survivors of the Troubles.<sup>3</sup>

On Monday 24 October 2005, Peter Hain, the new Secretary of State, appointed what was called an Interim Victims' Commissioner. The Interim Victims' Commissioner, Bertha McDougall, was asked to carry out the following duties:

- Review arrangements for service delivery and coordination of services for victims and survivors across Departments and Agencies, identifying any gaps in service provision.
- Review how well the current funding arrangements in relation to services and grants paid to victims and survivors groups and individual victims and survivors are addressing need.
- Consider the modalities of establishing a Victims and Survivors Forum.

McDougall took up her post as Interim Commissioner on 5 December 2005. The appointment of Bertha McDougall as the Interim Victims' Commissioner was not welcomed in all quarters. McDougall, whose police reservist husband Lindsay was killed by the Irish National Liberation Army (INLA) in Belfast in 1981, was seen by some Irish nationalist organisations as a partisan choice for the position. Her appointment by ex-Ulster Secretary Peter Hain was deemed improper and politically motivated by a High Court judge. Despite this, McDougall's tenure included the publication of a report in January 2007, entitled: [Interim Victims Commissioner's Report on the Services for Victims and Survivors: Addressing the Human Legacy](#).

The 160–page report made a number of recommendations on the themes of Services, Funding, and the establishment of a Victim’s Forum. Concentrating mostly on issues concerning service delivery, the report highlighted the need for progress in these key areas:

- improve the practical provision;
- enable sustained financial provision for those with the greatest need;
- co-ordinate the delivery of health-related services;
- provide continued support through the ongoing work of groups;
- acknowledge and recognise individual experiences through setting up a forum to address practical issues and ways of dealing with the past; and
- continue to promote the needs of young people through the Commissioner for Victims and Survivors in conjunction with the Commissioner for Children and Young People.

### *Victims and Survivors (Northern Ireland) Order 2006*

In order to officially sanction the permanent post of a Victims’ Commissioner, new legislation was required. On 14 November 2006 the [Victims and Survivors \(Northern Ireland\) Order 2006](#) was given Royal Assent. Accordingly, the Order makes provision for the establishment of the post of Commissioner for Victims and Survivors for Northern Ireland, and sets out the Commissioner’s role and remit. The Order has three sections containing 10 Articles altogether. Most notable among these Articles include:

- **Interpretation: ‘victim and survivor’**

- (a) someone who is or has been physically or psychologically injured as a result of or in consequence of a conflict–related incident;
- (b) someone who provides a substantial amount of care on a regular basis for an individual mentioned in paragraph (a); or
- (c) someone who has been bereaved as a result of or in consequence of a conflict–related incident.

An individual may be psychologically injured as a result of or in consequence of –

- (a) witnessing a conflict–related incident or the consequences of such an incident; or
- (b) providing medical or other emergency assistance to an individual in connection with a conflict–related incident.

- **The Commissioner for Victims and Survivors for Northern Ireland**

- (1) There shall be an officer known as the Commissioner for Victims and Survivors for Northern Ireland.
- (2) The Commissioner shall be appointed by the First Minister and deputy First Minister acting jointly.
- (3) This Article shall cease to have effect on such day as the First Minister and deputy First Minister acting jointly may by order appoint.

- **Principal aim of the Commissioner**

The principal aim of the Commissioner in exercising his [sic] functions under this Order is to promote the interests of victims and survivors.

- **Duties of the Commissioner**

- (1) The Commissioner shall promote an awareness of matters relating to the interests of victims and survivors and of the need to safeguard those interests.
- (2) The Commissioner shall keep under review the adequacy and effectiveness of law and practice affecting the interests of victims and survivors.
- (3) The Commissioner shall keep under review the adequacy and effectiveness of services provided for victims and survivors by bodies or persons.
- (4) The Commissioner shall advise the Secretary of State, the Executive Committee of the Assembly and any body or person providing services for victims and survivors on matters concerning the interests of victims and survivors.
- (5) The Commissioner shall take reasonable steps to ensure that the views of victims and survivors are sought concerning the exercise by the Commissioner of his functions.
- (6) The Commissioner shall make arrangements for a forum for consultation and discussion with victims and survivors.

- **General powers of the Commissioner**

- (1) The Commissioner may undertake, commission or provide financial or other assistance for research or educational activities concerning the interests of victims and survivors or the exercise of his functions.
- (2) The Commissioner may, after consultation with such bodies or persons as he thinks fit, issue guidance on best practice in relation to any matter concerning the interests of victims and survivors.
- (3) The Commissioner may—
  - (a) compile information concerning the interests of victims and survivors;
  - (b) provide advice or information on any matter concerning the interests of victims and survivors;
  - (c) publish any matter concerning the interests of victims and survivors, including—
    - (i) the outcome of any research or activities mentioned in paragraph (1);
    - (ii) any advice provided by the Commissioner.
- (4) The Commissioner may make representations or recommendations to any body or person concerning the interests of victims and survivors.

The restoration of full powers to the Northern Ireland Executive on 8 May 2007 raised expectations that a permanent Victims' Commissioner would be appointed. Article 4 of the Victims and Survivors (Northern Ireland) Order 2006 had made provision for the Commissioner to be appointed by the First Minister and deputy First Minister acting jointly. The post was also a regulated appointment falling within the remit of the Commissioner for Public Appointments in Northern Ireland (OCPANI). Already, prior to the restoration of the Northern Ireland Executive and following public advertisement in January 2007, 46 applications were received for the post. Of these, 14 applicants were invited for interview by a selection panel, consisting of two senior civil servants and an independent assessor appointed by OCPANI. Following the interviews the panel prepared a list of candidates who were considered suitable for appointment. This list was subsequently forwarded to the First Minister and deputy First Minister when the Northern Ireland Executive was restored for their consideration. The complete process was overseen and certificated by the independent assessor.

The then First Minister and deputy First Minister ( Ian Paisley and Martin McGuinness) were unable to make a decision concerning an appointment. On 8 October 2007 they announced that they had decided to extend the appointment process and re-advertise the position with the intention of announcing the new Commissioner for Victims and Survivors before the end of the year. Following the advertisement in October 2007, forty-two people submitted applications for the post of Commissioner for Victims and Survivors. Fourteen people were interviewed and three considered suitable for appointment. These were added to the list of five people considered suitable for appointment remaining in the pool from the first stage of the process.

The decision regarding an appointment was finally made public on 28 January 2008. In the end, rather than – as had been advertised – one post being filled, four victims' commissioners were appointed. The First and deputy First Minister announced the appointment of four Commissioners to the Northern Ireland Assembly, saying: 'this announcement is really for those who have been largely without a voice. Today, we are giving them a voice — a real voice. It is a voice that will reach the heart of Government and will be heard and listened to for the very first time'.<sup>4</sup> Alongside the appointment of four commissioners, the victims' sector was allocated £36million over a period of three years. The commission members were to each receive a salary of £65,000 per annum and agree among themselves who will chair their meetings. The appointment of four commissioners was portrayed in some sections of the media as a political compromise rather than a merit-based procedure. There was speculation that the First Minister and deputy First Minister, representing respectively the largest Unionist and Nationalist political parties, were simply unable to appoint a single commissioner who would be seen as representative for both Nationalists and Unionists.

In March 2008, Michelle Williamson, whose parents were killed in an IRA bomb attack on the Shankill Road in 1993, received High Court permission to challenge the appointment of four victims' commissioners. Williamson's campaign claimed the support of 15 Protestant victims' groups. In the High Court, Mr Justice Gillen ruled there was enough public importance in the case brought by Michelle Williamson to grant leave to apply for a judicial review. This case has heard that the First and deputy First Minister kept no written records of their decision to expand the victims' job from one post to four. In July 2008, Dr. Marie Breen-Smyth, a lecturer at the University of Wales, filed legal action against the First Ministers' Office with the Industrial and Fair Employment Tribunals in Belfast.

Breen-Smyth had been offered one of the four Commissioner positions. Her lawyers, Worthington Commercial, said: 'she [Breen-Smyth] raised a series of concerns about this offer'. The lawyers stated that Breen-Smyth argued that having four posts was 'organisationally inadvisable' and an unwarranted use of public money.<sup>5</sup>

Due to the fact that four commissioners were appointed, rather than one, an amendment to The Victims and Survivors (Northern Ireland) Order 2006 was required. Accordingly, the Commission for Victims and Survivors (Northern Ireland) Act 2008 received Royal Assent on 23 May 2008. The Commissioners were then charged with consulting with victims and survivors, groups and organisations in the community, voluntary and statutory sector. Its initial work programme focused on the period from February 2008 until the end of March 2009. On 22 July 2008, the Office of the First Minister and Deputy First Minister (OFMDFM) announced an increase in funding for Victims and Survivors, including a doubling in the amount available to the Community Relations Council for the Development Grant Scheme which supports groups and other voluntary organisations working with victims and survivors. Individual victims were to receive £900,000 of funding to be delivered through the Northern Ireland Memorial Fund.

## 2. The Consultative Group on the Past

On 22 June 2007 Peter Hain, the then Secretary of State for Northern Ireland, announced the formation of an independent Consultative Group. The Group was asked to:

- consult across the community on how Northern Ireland society can best approach the legacy of the events of the past 40 years;
- make recommendations, as appropriate, on any steps that might be taken to support Northern Ireland society in building a shared future that is not overshadowed by the events of the past; and
- present a report, which will be published, setting out conclusions to the Secretary of State for Northern Ireland, by summer 2008.

The *Consultative Group on the Past* was co-chaired by Denis Bradley, who had been vice chairman of the Policing Board, and former Archbishop of Armagh, The Right Reverend Lord Eames. The following were members of the Group: Mr Jarlath Burns, Rev. Dr. Lesley Carroll, Professor James Mackey, Mr Willie John McBride MBE, Ms Elaine Moore, and Canon David Porter.

Asked to describe their function at a press conference to launch the group, Eames stated: it was 'hugely important for the future to deal properly with the past'.<sup>6</sup> At the same meeting, Bradley said: 'This consultative group provides a platform for people to express their own views on how to address the violent legacy of the Troubles which impacted on so many across all sections of society'.<sup>7</sup>

In early September 2007 the Group announced a process of engagement and consultation, inviting any individuals or groups to share their views on how Northern Ireland society could best approach the legacy of the past 40 years. The Group stressed that its role was to make recommendations about a process for dealing with the past and that the Group itself was not that process. On that basis views were invited on:

- the legacy of the events of the past 40 years,
- any lessons to be learned; and
- importantly, the steps that might be taken to support Northern Ireland society in building a shared future that was not overshadowed by the events of the past.

The Group began to organise meetings across Ireland, north and south, and in Great Britain. Over 500 people attended public meetings in Belfast, Omagh, Armagh, Ballymena, Bangor, Enniskillen and Derry/Londonderry. In advance of the public meetings advertisements and articles were featured in the respective local media outlets. Notices were placed in libraries and other key facilities in the surrounding areas. Letters were sent to relevant MPs, MLAs, MEPs and local councils, asking them to raise awareness of the meetings. This public consultative process quickly became mired in acrimony when, shortly before its first public meeting in Belfast on 7 January 2008, there was press speculation that the Group were to investigate the possibility of an amnesty for paramilitaries and that they were also set to ask the British government to formally say it fought a war against the IRA.<sup>8</sup>

As part of the extensive consultation process the Group sought advice from the Equality Commission for Northern Ireland and Victim Support Northern Ireland in order to ensure that the consultation was

as accessible as possible. To broaden public awareness of the consultation period the Group placed advertisements in the main Northern Ireland newspapers, as well as key newspapers in the Republic of Ireland and in Great Britain. Press releases and an 'Open Letter' were distributed to media outlets, including some in the USA. Letters were also sent to a wide range of interested groups inviting them to participate. A website was created so that members of the public could gain information about the work of the Group, make submissions and express views publicly in a discussion forum.

By the end of the eighteen month consultation period, 290 written submissions and 2086 standardised letters had been received. The Group met privately with 141 individuals or representative groups. Reviewing the lengthy consultation process at its conclusion, the group stated:

A number of principles emerged from the consultation: principles against which the Group's recommendations and the way forward should be measured. One key principle stood out. The past should be dealt with in a manner which enables society to become more defined by its desire for true and lasting reconciliation rather than by division and mistrust, seeking to promote a shared and reconciled future for all (*Report of the Consultative Group on the Past*, 2009: 23).

At the announcement in June 2007 of the formation of the Consultative Group it was stated that the Group expected to present a report with recommendations by the summer of 2008. Due to the breadth of the mandate and the extent of the consultation, the Group was unable to publish the report until 28th January 2009. However, just days before the launch of the report in Belfast, a number of the reports' main recommendations were leaked in the media. The main focus of attention was placed on the expectation that the Group were to recommend that the families of every person who died in the Troubles from 1966 onwards should receive compensation of £12,000. This particular proposal was quickly opposed by those who saw it as making equivalence between perpetrators of violence and innocent victims of violence. Peter Robinson, Northern Ireland's First Minister, sought to speak for opponents of the recommendation when he said: 'Terrorists died carrying out their evil and wicked deeds while innocent men, women and children were wiped out by merciless gangsters'.<sup>9</sup>

Another Unionist politician, Jim Nicholson, stated: 'The proposal endorses the morally flawed notion that a terrorist killed while undertaking a mission of murder has the same status as an innocent civilian murdered in a bomb attack or a member of the security forces murdered in front of their family'.<sup>10</sup>

The report of the Consultative Group on the Past was released to invited victims' groups, politicians, police officers and the media at the Europa Hotel in Belfast on Wednesday, 28th January 2009. At the launch of the report Lord Eames explained how the Europa was chosen because it was once dubbed the most bombed hotel in Europe but now sat 'proudly as a landmark in the rejuvenated Belfast'.<sup>11</sup> The start of the event was delayed by around 20 minutes as some bereaved relatives stood pointing fingers at one another and traded accusations over the deaths of their loved ones. Sinn Féin President Gerry Adams, who was sitting in the hall, was among those targeted by the protestors.

### *The Report*

The 190-page [\*Report of the Consultative Group on the Past\*](#) makes more than 30 recommendations. In the foreword of the report, Eames and Bradley state:

Northern Ireland has made tremendous progress out of the dark days of the violence towards peace and stable Government. But it became clear to us that finding a better way of dealing with the past would help cement that progress. To take now the final steps out of conflict will be difficult for many. However, the divisions that led to the conflict in the first place are all too present and only by honestly addressing the past can we truly deal with it and then leave it in the past (p.14).

Another passage from the report states:

As those who carry the scars of the past know, and as the divisions in our society continue to illustrate, the past cannot be forgotten. Buried memories fester in the unconscious minds of communities in conflict, only to emerge later in even more distorted and virulent forms to poison minds and relationships (p.52).

The report provides a summary of main recommendations:

### **The Legacy of the Past and Reconciliation**

- An independent Legacy Commission should be established to deal with the legacy of the past by combining processes of reconciliation, justice and information recovery. It would have the overarching objective of promoting peace and stability in Northern Ireland.
- A Reconciliation Forum should be established through which the Legacy Commission and the Commission for Victims and Survivors for Northern Ireland (CVSNI) would liaise to tackle certain society issues relating to the conflict.
- The Legacy Commission should be given a bursary of £100m to tackle these society issues.

### **Victims and Survivors**

- The suffering of families from Northern Ireland and Great Britain should be recognised. The nearest relative of someone who died as a result of the conflict in and about Northern Ireland, from January 1966, should receive a one-off ex-gratia recognition payment of £12,000.
- The CVSNI should take account of, and address in their work programme, the present and future needs and concerns of victims and survivors, devoting attention to provision of services, funding, healthcare needs and compensation.
- The Reconciliation Forum would also have a mandate to promote the improvement of services for healthcare issues attributable to the conflict, such as trauma, suicide and addiction.

### **The Legacy Commission**

- The Chair of the Legacy Commission should be an International Commissioner, who would also have specific responsibility within the Commission for addressing society issues through the Reconciliation Forum, tackling sectarianism, promoting reconciliation and administering the bursary. There would be two other Commissioners.

The mandate of the Legacy Commission would consist of four strands of work:

- – helping society towards a shared and reconciled future, through a process of engagement with community issues arising from the conflict;
  - reviewing and investigating historical cases;
  - conducting a process of information recovery;
  - examining linked or thematic cases emerging from the conflict.
- The Legacy Commission's mandate would be for a fixed period of five years.
- The Office of the First Minister and deputy First Minister (OFMDFM) should join the British and Irish Governments in implementing this initiative.

### **Society Issues**

- Society issues arising from the conflict which should be tackled include: addressing sectarianism; promoting remembering activities; working with young people; providing improved services for healthcare needs; ensuring an even spread of economic benefits; and helping those exiled from Northern Ireland during the conflict to return.
- The Reconciliation Forum should help to address these issues by analysing activity undertaken; considering the need for further activity; giving advice to Government and others; advising on strategies and on the development and delivery of services; and deciding on priority areas of activity.
- The Legacy Commission should act as a champion for these society issues.
- The Legacy Commission should take the lead in ensuring that sectarianism continues to be addressed, including through setting the direction for the debate and by highlighting the contribution that all sectors of society can make.
- The Legacy Commission should engage specifically with the Christian Churches in Northern Ireland to encourage them to review and rethink their contribution to a



non-sectarian future in the light of their past, particularly in the area of education.

- The guidance produced by the Quigley–Hamilton working group, to eliminate
- discrimination against those with conflict-related convictions, should be incorporated into statute and made applicable to the provision of goods, facilities and services as well as recruitment.

### **Processes of Justice and Information Recovery**

- A new independent Unit dealing with historical cases would be created within the Legacy Commission, which would continue to review and investigate historical cases, backed by police powers. This would constitute the second strand of the Commission's work.
- The new Review and Investigation Unit would take over the work of the Historical Enquiries Team and the Police Ombudsman's Unit dealing with the historical cases. The need for these would fall away when the new Unit is established. The new Unit would build on the work they have done to date.
- The process of recovering information of importance to relatives (information recovery) would be separated from the investigation procedure and be subject to a distinct process within the Legacy Commission under a separate Commissioner. This would constitute the third strand of the Commission's work.
- In the fourth strand of its work, the Legacy Commission would examine themes arising from the conflict which remain of public concern, such as specific areas of paramilitary activity, or alleged collusion. This thematic examination would take place without public hearings. This would facilitate more open and frank disclosure and avoid the constant publicity of present inquiry proceedings.
- There would be no new public inquiries. The question whether to proceed with the promised Finucane Inquiry is a matter for the British Government but the issues raised by this case could be dealt with by the Legacy Commission.
- The outstanding Inquests would remain with the Coroners Service. Criminal case reviews would continue to be pursued through the Criminal Cases Review Commission.
- The Group is not proposing an amnesty but recommends that the Legacy Commission itself make recommendations on how a line might be drawn at the end of its five-year mandate so that Northern Ireland might best move to a shared future.

### **Remembering**

- The Legacy Commission should, through the Reconciliation Forum, support CVSNI in facilitating and encouraging the telling of stories, including by young people, about the impact of the conflict on individuals and communities; and the stories of intra-communal difference.
- CVSNI should also be supported in developing the existing ways in which the conflict and its impact are remembered. This should include the development of educational projects; providing support and guidance for those facilitating remembering projects in line with certain criteria; and promoting the value of remembering across society as a means of achieving reconciliation.
- Future Storytelling initiatives should be developed taking account of certain criteria.
- Full support should be given by government, the private and voluntary sector, including the churches, to the continuation of the annual Day of Reflection, initiated by Healing Through Remembering, on 21st June each year. Consideration should be given to renaming the event a Day of Reflection and Reconciliation. Each year, on or around the Day of Reflection and Reconciliation, the First Minister and deputy First Minister should together make a keynote address to the Northern Ireland Assembly and invited guests, reflecting on the past in a positive way and confirming their commitment to lead Northern Ireland society towards a shared and reconciled future.
- The Reconciliation Forum should take the lead in implementing an initiative, at the end of the five year mandate of the Legacy Commission, whereby Northern Ireland, with the support of the two Governments and the Northern Ireland Assembly, should conduct a ceremony remembering the past and all those who suffered during the conflict.

The Group therefore recommends that the Commission should, at the end of its work, challenge the people of Northern Ireland, including political parties and whatever remnant or manifestation of paramilitary groups remain, to sign a declaration to the effect that they will never again kill or injure others on political grounds.

- A shared memorial to remember the conflict in and about Northern Ireland should be kept under consideration by the Reconciliation Forum and criteria should be observed, in working towards a shared memorial conducive to reconciliation. The Legacy Commission should, at the end of its five year life span, make recommendations to Government in this regard.

According to the consultative group's own figures, the total cost of the recommendations, if implemented, would be £300m. The structures envisaged by the Consultative Group, if adopted by the British government, will require primary legislation. So, it could take up to two years for a legacy commission and a reconciliation forum to begin work. However, on 25 February 2009, Shaun Woodward, Secretary of State for Northern Ireland, in an announcement on a BBC radio programme, ruled out the proposal for a £12,000 payment to all families bereaved as a result of the Troubles.

### *Media and Political Response*

It was this proposal – 'The nearest relative of someone who died as a result of the conflict in and about Northern Ireland, from January 1966, should receive a one-off ex-gratia recognition payment of £12,000' – that the media and the political establishment largely concentrated on

The Consultative Group had taken the idea for the £12,000 payment from a similar 'acknowledgement payment' of €15,000 made in the Republic of Ireland by the Government's Remembrance Commission. So far (February 2009), the Department of Justice has paid over 497 people in the Republic totalling €3,871,893, with some payments of €15,000 divided between members of families. The criterion for payment was that the deceased person was normally resident in the State at the time of fatal injury or was fatally injured in the South. The £12,000 payment recommended in the Consultative Group's report, however, will cover only those bereaved from Britain and Northern Ireland and those who received the €15,000 will not be covered by the scheme.

Explaining the rationale behind the 'recognition payment of £12,000' at the launch of the report, Eames described the payment as a way of society saying to the families of those killed: 'We are sorry for your troubles ... This is not compensation by another name. It is the acknowledgment of their loss and of their pain'.<sup>12</sup>

Opinions on this particular recommendation widely differed. There was some support for the so-called 'recognition' payment. In one article, entitled *Bearing Pain Equally*, a writer argued:

The pain is equally shared between Nationalist families who had relatives die at the hands of Loyalist militants, or Unionist families who had members killed by the IRA. Many of the paramilitaries killed were young people caught up in a cataclysmic event where death and suffering was exploding on all sides. It fair to say that many in their communities consider them victims as much as anyone who died in The Troubles.<sup>13</sup>

One victim, Sylvia Hackett, whose husband was shot dead by a loyalist in 1987, stated:

There are many people like me who have struggled to bring up children on a single wage. I have worked in a nursing home to be able to pay the bills. But there are no luxuries and the £12,000 compensation would allow us to take a good family holiday.<sup>14</sup>

There was also a high degree of opposition for the 'recognition payment', especially from Unionist political parties and a number of victims' group. The main crux of opposition to the proposal was that the recognition payment would act to make a moral equivalence between those who had committed violence and those innocents who were the victims of such violence. An editorial in the pro-Unionist newspaper, the *Belfast Newsletter*, stated:

[t]he Eames-Bradley report has a fundamental flaw at its heart. That weakness lies in their misguided and utterly insensitive attempt to bracket terrorist and innocent together and in particular their recommendation of a cash 'recognition payment' to the families of both. People who set out to cause harm to another person are very different from those who were killed or injured going about their lawful business. If we accepted this twisted logic then the rule of law, which so many died to uphold, will have gone forever. Should the families of the bombers in London on July 7, or the terrorists who hijacked the



planes in the United States on 9/11 be similarly 'recognised'? <sup>15</sup>

The First Minister of the Northern Ireland Executive, and leader of the Democratic Unionist Party (DUP), said : 'There can be no equivalence between those who went out with the clear intention of murdering and those. ... who were slaughtered as they went about their daily business'.<sup>16</sup>

Notably, in dealing with 'how victims are defined', the report of the Consultative Group sought to eschew 'the use of definitions which produce a hierarchy of victims that is broadly structured along sectarian lines. Continuing this already highly politicised debate is both fruitless and self-defeating and the Group has, for the purposes of its work, accepted the definition as set out in the Victims and Survivors (Northern Ireland) Order 2006' (p. 26). Article 3 of this Order outlines the pertinent definition.

### 3. House of Commons : Northern Ireland Affairs Committee

#### Tenth Report. Ways of Dealing with Northern Ireland's Past : Interim Report – Victims and Survivors

[Available at : <http://www.parliament.the-stationery-office.co.uk/pa/cm200405/cmselect/cmniaf/303/303i.pdf>]

In May 2004 the then Secretary of State for Northern Ireland, Paul Murphy, announced that his office was to begin a process of consultation about how Northern Ireland could find 'ways of dealing with the past which recognises the pain, grief and anger associated with it' but which 'enables it to build a better future for the next generation'.<sup>17</sup>

In this context, on 4 November 2004 the Northern Ireland Affairs Committee announced an inquiry into 'ways of dealing with Northern Ireland's past'. The Northern Ireland Affairs Committee inquiry, entitled *Reconciliation: ways of dealing with Northern Ireland's past*, sought to 'conduct a comprehensive set of investigations over an extended period which would contribute to the process of intercommunity healing on which the future of Northern Ireland depends'. During the early months of 2005 the Committee hosted ten sessions of evidence in Northern Ireland and Westminster during which they heard from over sixty victims and survivors, representatives of victims' groups, and other important witnesses whose evidence was relevant. On 9 March – their final session of evidence – they took evidence from Mr Paul Murphy, Secretary of State for Northern Ireland, and Angela Smith, Parliamentary Under-Secretary of State at the Northern Ireland Office with responsibility for victims and survivors. The Committee also received a large amount of written material. The Committee further made three informal visits to meet victims:

1. the Belfast premises of the WAVE Trauma Centre where they were given the opportunity to learn about the range of support work for victims being undertaken by the organisation, and to view both art work and a performance by young people which highlighted the human costs of the violence and the desire for those most hurt to move forward;
2. Facilitated by Relatives for Justice, to view the 'Remembering Quilt' and to meet victims and survivors; and
3. To the Shankhill Stress and Trauma Group.

The Committee also visited the exhibition, 'The Irish at War' at the Ulster Museum.

The Committee had to curtail its investigation due to the prospect of a UK general election in the spring of 2005. In lieu of completing the investigation, the Committee decided to publish the evidence in an interim report containing a number of preliminary observations. The report, which was published on 14 April 2005, began by stating:

There are no easy solutions to the problems which remain. It is our view, however, that the people of Northern Ireland must continue to seek from their political leaders the conditions in which peace can flourish, and that while this pressure exists there is every reason to be optimistic about the future. We urge the government, and all members of civil society in Northern Ireland, to ensure that no opportunity to heal the grievous wounds inflicted by over thirty years of conflict is lost, and to strive for a future that is vibrant and optimistic and, above all, peaceful and tolerant (p.9, 32).

Included in the Committee's observations:

- It is of great importance to stress that a formal and official 'truth recovery' process is one

means only by which society in Northern Ireland may come to resolve its past. Our evidence shows in detail the myriad opportunities which the people of Northern Ireland are taking to come to terms with the realities of the past and to ensure that the mistakes made then are not carried forward to blight the future. As we have said, such efforts must be sustained by all means possible.

- Victims represent a primary resource in the process of transformational healing which lies at the centre of a better future for Northern Ireland. This potential will be unlocked only when their experiences are given a central position in society which requires full, practical acknowledgment of their hurt, and the respect to which their experiences entitle them.

The report also made a number of conclusions which would contribute 'ways forward'. Included in the Committee's conclusions :

- There may come a time when a formal, national 'truth recovery' process will contribute positively to the normalisation of society in Northern Ireland but, on the basis of the evidence we have received to date, that time has not yet arrived : the peace is as yet too fragile, the scars of the conflict too fresh, the co-operation of parts of Northern Ireland's population is not assured, the political conditions are not yet sufficiently settled, and the conflict in the estimation of many people is not yet finally over. Were such a process to be put in train now, it is our view that this might have the effect of exacerbating community tensions.
- Properly approached, we consider that the level and quality of support available to victims and survivors, and their status within society is an excellent measure of that society's maturity and sensitivity. We have suggested in this short report that the government needs to examine whether it is giving sufficient priority, and being sufficiently imaginative, in approaching this vital task.

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## Notes

**1** HC Deb, 27 May 2004, cols 91-92WS

**2** Services For Victims and Survivors, Annex A, p 5. Northern Ireland Office officials were unable to quantify the proportion of support for a Commissioner amongst consultees, Q 859

**3** See : <http://cain.ulst.ac.uk/issues/victims/docs/pm010305victims.htm>

**4** See : [http://victimscommission.org/about\\_us](http://victimscommission.org/about_us)

**5** See : <http://www.belfasttelegraph.co.uk/news/politics/woman-to-sue-first-ministers--over-victims-commissioner-post-13925685.html>

**6** [http://news.bbc.co.uk/1/hi/northern\\_ireland/6229190.stm](http://news.bbc.co.uk/1/hi/northern_ireland/6229190.stm)

**7** [http://news.bbc.co.uk/1/hi/northern\\_ireland/6229190.stm](http://news.bbc.co.uk/1/hi/northern_ireland/6229190.stm)

**8** [http://news.bbc.co.uk/1/hi/northern\\_ireland/7254825.stm](http://news.bbc.co.uk/1/hi/northern_ireland/7254825.stm)

**9** <http://www.telegraph.co.uk/news/uknews/northernireland/4329558/Families-of-dead-IRA-and-Loyalist-killers-could-receive-12000-for-their-loss.html>

**10** [http://news.bbc.co.uk/1/hi/northern\\_ireland/7847479.stm](http://news.bbc.co.uk/1/hi/northern_ireland/7847479.stm)

**11** <http://www.irishtimes.com/newspaper/opinion/2009/0129/1232923372192.html>

**12** <http://www.irishtimes.com/newspaper/ireland/2009/0129/1232923372178.html?via=rel>

**13** <http://www.irishcentral.com/IrishVoice/Article.asp?ID=3297>

**14** <http://www.nwipp-newspapers.com/UH/free/293674201262266.php>

**15** <http://www.newsletter.co.uk/editorial/Twisted-logic-flaws-report-on.4925710.jp>

**16** <http://www.belfasttelegraph.co.uk/news/politics/first-minister-condemns-offensive-troubles-cash-plan-14158674.html>

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### Web Page Information

<http://cain.ulst.ac.uk/victims/policy/jn09policy.html>

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