



Reconciliation is a hard process, not a warm slogan

SERVED as Commissioner for Victims and Survivors of the conflict between 2008 and 2012. It was a challenging role, fraught with political controversy.

Yet during those four years, and since, I have been privileged to have victims and survivors confide their stories in me.

Children have told me of watching their mother being shot dead in front of them. Mothers have shared their anguish at post mortem photographs of their murdered son being posted online. Many of the people I met suffered in silence but always with hope that things would improve for them.

The peace dividend they hoped for was truth, justice and acknowledgement.

When the commission gave advice to government on dealing with the past in June 2010, we said that the main ingredients for dealing with the past are reviewing historical cases with a view to holding people to account before courts and where this is not possible, recovering information for families, and examining issues arising from the conflict which have had a critical importance for our society.

My view, and I believe that of the majority of society, has not changed in 11 years. The Consultative Group on the Past, Victims' Commission, Haas-O'Sullivan and numerous other initiatives in the years since would tend to support that assertion.

The narrative put forward by the British government that they are introducing a statute of limitations on legacy cases because the evidence isn't there after all this time to support prosecutions is insulting. Victims aren't stupid, they understand the challenges of prosecuting cases that are decades old. But the difference is that they do not view justice as simply an outcome but as a process.

There can be no better illustration of this than the recent Ballymurphy inquests. No one will serve a prison

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sentence because the coroner declared that the people shot down by the British army in August 1971 were innocent of any wrongdoing, but 50 years of a stain on the reputation of the deceased and their families is finally lifted.

The process of justice should never have taken 50 years.

On Sunday, Secretary of State Brandon Lewis wrote that the weight of prosecutions will continue to fall disproportionately on veterans because the state kept records about what happened whilst other actors in the conflict did not.

Let's not forget the records that were withheld from inquests and inquiries and the records that were destroyed or have gone missing. I've seen the state of some of the military records in a storage room in Thiepval Barracks which were thrown into boxes with little or no effort to label or catalogue the contents. None of this is an accident, and repeating the lie that veterans are prosecuted disproportionately does not make it true.

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The British and Irish governments have agreed to an intensive process of negotiations with the political parties in the north to find a collective way forward on legacy issues.

The Stormont House Agreement provides a framework which allows for prosecutions and information recovery and should be the starting point of those discussions. There is an onus on the British government during that engagement process to explain how their proposals could fully comply with their ECHR and other legal and international human rights obligations, as well as how they meet the needs of victims and survivors.

Last week when the British proposals were set out, a government source was quoted, saying: "Our legacy package will support Northern Ireland to move beyond an adversarial cycle that doesn't deliver information or reconciliation for victims and survivors nor end the cycle of investigations against our veterans."

The reconciliation that the British government appears to seek is one which places an overwhelming burden on victims and survivors to forgive and forget. It is a reconciliation model that implies that it is victims and survivors alone who should carry the responsibility for making one view or belief compatible with another and restoring good relations in society and that the only way to do that is to not deal with the past in any meaningful way.

Reconciliation is a hard process, not a warm slogan. It is a process that is inhibited and not enhanced by shutting down avenues to achieving truth, justice and acknowledgement.

No one wants to draw a line under the past more than victims and survivors do. But how and where to draw that line needs to be their choice, their call. It is not for the British government to decide unilaterally to close doors in their faces.

ON THIS DAY

JULY 22 1921

Belfast Death Sentences

OUR Dublin correspondent telegraphs: A report reached Mr E J Duggan, Chief Liaison Officer for Ireland [under the Truce] from Belfast yesterday that certain prisoners concerned in the Cavan affair, who were tried at Belfast last week, had been sentenced to death and were at the moment occupying the condemned cells. The report has proved inaccurate.

Mr Duggan was in communication with Dublin Castle last evening and was informed that sentences will not be announced pending the Truce. It is stated that nine out of the eleven prisoners are Belfast men.

Fermanagh Island Raid

AT a field general courtmartial in Derry yesterday, Francis Sheridan and Thomas Houston, Newtownbutler; Frank Conlon of Clonfad and Hugh Timmons and John Timmons of Derrykerrib and J L Fitzpatrick, all of County Fermanagh, are charged with shooting with intent to murder or to maim and also with having firearms and ammunition.

All the accused refused to recognise the Court but Sheridan on their behalf objected to the trial on the grounds that it was a breach of the Truce.

They protested against being brought through the streets from prison to the military barracks by an armed guard.

The President said the military were only carrying out their orders. This was not the final Court as the proceedings would go elsewhere.

Sheridan - We claim the right to have the same freedom as our comrades outside - we should be treated as prisoners-of-war.

President - That will be a matter for another authority.

The prisoners, who refused to stand up, pleaded not guilty.

The evidence was that a party of police surrounded Derrykerrib Island in search of men 'on the run' and that fire was opened on them from a house and Houston came out and fired.

They were pursued and captured. One man, John Timmons was acquitted.

THE 'Cavan affair' recalls the fact that in May 1921 part of the Belfast IRA active service unit was sent to Lappinduff Mountain, Co Cavan, apparently on the orders of Eoin O'Duffy at GHQ. Betrayed almost at once by a local farmer, the unit was surrounded and, in the ensuing firefight with RIC and military, one Belfast Volunteer, Sean McCartney, was killed. Seven Belfast men were captured and courtmartialled at Victoria Barracks in Belfast. They were sentenced to death only to be 'saved by the truce'. The episode was a disaster for the Belfast IRA.

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