

DÁIL ÉIREANN

AN COMHCHOISTE UM

FEIDHMIÚ CHOMHAONTÚ AOINE AN CHÉASTA

JOINT COMMITTEE ON THE IMPLEMENTATION OF THE GOOD FRIDAY AGREEMENT

Déardaoin, 12 Deireadh Fómhair 2017

Thursday, 12 October 2017

Tháinig an Comhchoiste le chéile ag 2 p.m.

The Joint Committee met at 2 p.m.

Comhaltaí a bhí i láthair / Members present:

Teachtaí Dála / Deputies	Seanadóirí / Senators
Declan Breathnach,	Frances Black,
Fergus O'Dowd,	Mark Daly,
Maureen O'Sullivan,	Frank Feighan.
Brendan Smith.	

I láthair / In attendance: Deputy Seán Crowe.

Teachta / Deputy Kathleen Funchion sa Chathaoir / in the Chair.

Business of Joint Committee

Chairman: As we have a quorum, we will begin in public session. Apologies have been received from Senators Landy, Ó Donnghaile and Craughwell and Deputy Sean Sherlock. I welcome everyone back after the recess. I know we have been back a few weeks now. Today, we will begin the first of our meetings regarding the legacy issues we have discussed on a number of occasions. We will invite a wide variety of cross-community stakeholders to appear before us in the coming weeks as we consider this matter. Today, we will hear from representatives from the Pat Finucane Centre, Justice for the Forgotten and Relatives for Justice. We will now go into private session to deal with some housekeeping issues.

The joint committee went into private session at 2.05 p.m. and resumed in public session at 2.20 p.m.

Legacy Issues Affecting Victims and Relatives in Northern Ireland: Discussion

Chairman: I welcome our witnesses to the committee today: Ms Anne Cadwallader from the Pat Finucane Centre; Ms Margaret Urwin from Justice for the Forgotten; and Mr. Mike Ritchie and Mr. Paul Butler from Relatives for Justice. I thank all the representatives for being here today. This is the first in a series of meetings regarding legacy issues. I also welcome those persons in the Public Gallery who have joined us. I will ask Ms Cadwallader to start and we will then move to Ms Irwin, Mr. Butler and Mr. Ritchie. We will then take questions from members.

Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person or body outside the Houses or an official either by name or in such a way as to make him, her or it identifiable.

By virtue of section 17(2)(l) of the Defamation Act 2009, witnesses are protected by absolute privilege in respect of their evidence to the committee. However, if they are directed by it to cease giving evidence on a particular matter and continue to do so, they are entitled thereafter only to qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against any person or an entity by name or in such a way as to make him, her or it identifiable.

I invite Ms Cadwallader to make her opening statement.

Ms Anne Cadwallader: I thank the committee for inviting the representatives from the Pat Finucane Centre here today. The primary work of our centre is to help any family that wishes to find out more about why, how and who was responsible for their bereavement or injury whether that be physical or psychological. We profoundly believe that families have a right to know as much as is now possible about their loss or injury.

It is a very basic human right to be accorded the dignity that only truth and justice can confer. As President Higgins told us on a recent visit to Áras an Uachtaráin “to be forgotten is to die twice”. While this is important for individual families, it goes far further. If someone was killed, as we now know they were, by perpetrators working for the State using weapons also

originating from State armouries, families need to know why and how there was such a breakdown in what they legitimately expect from their government.

I shall make reference to one family in particular, the family of John Pat Cunningham, a vulnerable adult shot in the back and killed by heavily armed soldiers as he ran away from them in fear. That family has had to listen to some British politicians and newspapers calling for what amounts to an amnesty for people who killed Irish citizens while wearing the uniform of the British Army. Even worse, the victim's family has witnessed some of these same ex-British soldiers blaming them for having the audacity to allow John Pat out of the house on the day he was killed.

We do not limit ourselves, however, to working for the victims of State perpetrators. The Pat Finucane Centre believes all parties to the conflict, including paramilitaries - both loyalist and republican - abused human rights. Our services as researchers and advocates are open to anyone, whatever their politics, national identity or religious belief, in total confidence. We profoundly believe that a better understanding of the reasons for conflict can only be beneficial for wider society as we move into the future.

Moving on to where we stand today, lawyers acting for families represented by the Pat Finucane Centre and Justice for the Forgotten won a landmark legal victory at the end of July in Belfast High Court. The court recognised that the now defunct Historical Enquiries Team had pledged to write a thematic report on State collusion in what has now become known as the Glenanne series of murders. This involved 120 victims including the 34 people murdered in Dublin and Monaghan in May 1974. The court found that there had been "extreme" unfairness and that the Police Service of Northern Ireland had undermined the Historical Enquiries Team's pledge. The court said that the families' concerns on collusion are compounded by the PSNI's suppression of the Historical Enquiries Team's report, which had been 80% written when it was stopped in its tracks.

Two decades ago, said the court, the British Government had committed itself to putting in place a so-called "package of measures" to recognise its commitment to the basic principles underlying the European Convention on Human Rights. It was a matter of grave concern, according to the court, that the Chief Constable of the PSNI, in suppressing the Historical Enquiries Team's thematic report on Glenanne, had dismantled and abandoned those principles. The judge said there is now a "real risk that this will fuel in the minds of the families the fear that the State has resiled from its public commitments because it is not genuinely committed to addressing the unresolved concerns that the families have of State involvement". This directly affects dozens of families north and south of the Border and discussions are now under way between lawyers for the families and the British State to agree how to remedy this egregious wrong inflicted on families.

The Police Ombudsman for Northern Ireland, Dr. Michael Maguire, is currently heading that office's largest ever investigation to date - into the Glenanne series of 120 murders. Other families are on a very long waiting list, however, before they can expect the Ombudsman to investigate their concerns. I include here a chart showing how very poorly the Ombudsman is funded. One can barely see the section in the chart that relates to the Ombudsman. Even smaller is the section relating to legacy issues.

This has wider implications for more than the families patiently waiting for inquiries. The Ombudsman's powers were a significant part of the proposals encouraging cross-community confidence in new policing arrangements, and part of the agreed package of measures. How

can the fact that a mere 0.2% of the overall criminal justice budget is spent on legacy inquiries encourage that confidence? It cannot and it does not. These problems are infecting the new policing arrangements with the diseases of the past.

On top of this, the inquest system in Northern Ireland has now effectively collapsed. The Lord Chief Justice, Sir Declan Morgan has produced a business model showing it will cost £10 million to fund the 56 outstanding inquests into 98 deaths, only one of which is currently due for listing and even that will not be until next year. The DUP leader, Arlene Foster, is facing a legal challenge for allegedly blocking Sir Declan's plan after she confirmed in a BBC interview she would not allow it to proceed because, as she put it, she does not consider enough "innocent victims" are on his list. How is all of this improving the prospect of reconciliation and power-sharing? This is quite aside from the devastating impact on families desperate to resolve the deep anxieties still dominating their lives.

London cannot be allowed to abdicate its responsibilities or use the power-sharing Executive at Stormont as cover for its failures. The Executive, unlike Westminster, is not a party to the European Convention and made no commitment on the package of measures. London's breach of the convention's ban on torture is also unresolved. This goes right back to the 1970s when the then Taoiseach, Jack Lynch, raised concerns with his opposite number, Edward Heath. We know that the Department of Foreign Affairs and Trade has raised new evidence on waterboarding with the Northern Ireland Office but Westminster has failed to investigate although uniquely, under international law, there is never any possible justification for torture and no statute of limitations.

Aside from the legal process, there is obviously a political one. James Brokenshire, the Northern Secretary of State, is expected to announce a full consultation on implementing the Stormont House Agreement legacy proposals starting in November this year. If this goes ahead, and there is no reason it should not as it does not require cross-party approval in Belfast, we would encourage the Government here, the political parties represented in this committee and indeed anyone interested, to become full participants. Please do not wait for someone else to respond to the consultation.

It is the Pat Finucane Centre's contention that given the lack of resources for inquests and the Police Ombudsman, the lack of independence of the PSNI's legacy investigation branch, the failure to implement the Stormont House Agreement and the failure to complete the Historical Enquiries Team's report into Glenanne the package of measures agreed between London and Europe is now non-existent.

Finally, it was fully three years ago that Nils Muižnieks, the Council of Europe's Commissioner for Human Rights, said on a visit to Belfast:

The UK government cannot wash its hands [of the investigations] ... These are the most serious human rights violations ... Until now there has been virtual impunity for the State actors involved and I think the government has a responsibility to uphold its obligations under the European Convention to fund investigations and to get the results. The issue of impunity is a very, very serious one and the UK government has a responsibility to uphold the rule of law. This is not just an issue of dealing with the past, it has to do with upholding the law in general.

This is not just an issue of dealing with the past, it has to do with upholding the law in general. Thank you very much for listening.

Chairman: Thank you very much, Ms Cadwallader. I now call Ms Margaret Urwin.

Ms Margaret Urwin: Thank you, Chairman, for inviting Justice for the Forgotten here today. I think most members are familiar with our organisation but, very briefly, for those who are not, Justice for the Forgotten was formed in 1996 initially to represent and support the bereaved families and survivors of the Dublin and Monaghan bombings. However, we now also support the families of other bomb attacks, including the Dublin bombings of 1972 and 1973, as well as the Belturbet, Dundalk and Castleblayney bombings. We also represent the families of the Miami Showband and several families whose relatives were killed in single incident attacks. Our advocacy services are available to anyone bereaved or injured as a result of the conflict in this jurisdiction, regardless of political or religious affiliation. Since 2010, we have been affiliated to the Pat Finucane Centre.

Members have very kindly invited us here to provide an update on where we stand today regarding victims' issues. The most tragic and continuing legacy of the conflict is the impact on families and communities of the loss of life of family members and friends and the injuries and trauma suffered by survivors. This loss is compounded enormously by the failure to provide information on how and why these loved ones died or were wounded.

We advised the committee in January 2014, nearly four years ago, that there had been no compliance by the British Government with the motions passed unanimously by Dáil Éireann in 2008 and 2011. Since then, a third motion was passed in May 2014 to coincide with the 40th anniversary of the Dublin and Monaghan bombings and public calls were made by President Higgins, by the former Taoiseach and by the former Minister for Foreign Affairs and Trade but the British authorities have felt comfortable in continuing to ignore the requests of a sovereign parliament. A year has passed since the former Taoiseach convened a meeting with all party leaders to hear their views and get their input on how this thorny issue might be resolved, but it is our understanding that no further meetings have been held. Perhaps our new Taoiseach might be requested to reinstate this process or, alternatively, this committee might meet with him.

We are pleased to inform the committee that the Police Ombudsman for Northern Ireland is currently investigating many of the cases whose families we support - Dublin and Monaghan, Dundalk, Castleblayney, the Miami Showband and John Francis Green as part of the Glenanne series of murders, which is known as Operation Newham. Dr. Michael Maguire expects to conclude his investigation and to report within the next 18 months. However, regarding cases where the deaths occurred in this jurisdiction, he requires access to the Barron-MacEntee archive and to the relevant Garda files. We understand this will require a High Court order in the case of the archive, and the invoking of the mutual legal assistance legislation in respect of the Garda files.

I received information yesterday, which is not in the presentation, with regard to mutual assistance. I understand that the Public Prosecution Service for Northern Ireland sent an international letter of request to our Department of Justice and Equality on 23 August, and all it has received so far is an acknowledgement of receipt, but nothing else. That is something that will need to be followed up on. Dr. Maguire has made it very clear to us that without access to these files, he will be unable to conduct a thorough investigation into the southern cases.

As Ms Cadwallader said, there are at last indications that the Stormont House Agreement may soon be implemented. Unfortunately, this is not going to provide a level playing field for all victims of the conflict. The agreement envisages that two main bodies will be established - the Historical Inquiries Unit, HIU, and the Independent Commission on Information Retrieval,

ICIR.

We had a very productive meeting with the Northern Ireland Victims' Commissioner, Ms Judith Thompson, on Friday last, 6 October. Ms Thompson confirmed that the HIU, which is a formal investigative process and which could lead to convictions in some cases, will deal with deaths that occurred within Northern Ireland only, or cases that have been passed on by the Police Ombudsman.

We have had one case accepted by the Police Ombudsman - this is separate from the Glenanne series - but the murder occurred in the Republic of Ireland. Dr. Maguire does not anticipate being in a position to investigate this case for a number of years because of his lack of financial resources. As Ms Cadwallader pointed out, the Police Ombudsman is being starved of funding. It is unclear as to what will happen to this case as the HIU may indicate that it is outside its jurisdiction. This family has an expectation that the case will be dealt with and it must not be allowed to fall through the cracks.

The ICIR - a truth recovery process - will be the subject of an international agreement between the Irish and British Governments, modelled on the Independent Commission for the Location of Victims' Remains. Families will be able to approach the ICIR and seek information on the death of their relative. The Commission would then seek answers from intermediaries. However, it is clear that the ICIR is very much the poor relation, and families whose loved ones were killed outside of Northern Ireland are being treated differently and will have access to only a second class form of truth recovery. While the ICIR is not just intended for families outside of the North, as, for example, having received reports from the HIU, northern families might then approach the ICIR if they have outstanding questions at that point.

With regard to the HIU, it is difficult to understand why this will not also be the subject of an international agreement. It is our understanding that, ironically, some legislation will need to be passed by the Oireachtas in order to facilitate information being made available from South to North but not from North to South. Why not? Clearly, it will be necessary to put in place a team of gardaí to provide the information from South to North. Why can this team not also accept information from North to South? What happens to information that might be discovered in Northern Ireland relating to southern cases?

In fact, it might be useful if a review were to be done on all conflict-related southern cases with a cross-Border element in order to ascertain where information is missing and seek to fill in the gaps.

The cases that are being examined by the Police Ombudsman, as referred to previously, will be completed by him. They will not be passed on to a HIU because the investigation is at an advanced stage. However, there are a number of cases that were not accepted for investigation by the Police Ombudsman - the Dublin bombings of December 1972 and January 1973, the Belturbet bombing, and other single incident cases. The families of these victims will have no option but to rely on the ICIR for possible information. Any such information provided would be difficult to verify and very much a hit-and-miss affair.

We are told that members' focus today is on how they, as members of this committee, may collectively be able to assist us in our endeavours on behalf of victims. In summary, we would ask them to consider the following: how it may be possible to bring pressure to bear on the British so as to compel them to comply with the Dáil motions; to ensure that the Barron-MacEntee archive and relevant Garda files are made available to the Police Ombudsman in a prompt

manner, and particularly to inquire of the Department of Justice and Equality as to what has happened regarding the international letter of request, which it acknowledged back in August; and to consider opening discussions with us on the role of the HIU and the ICIR, and to make representations to the Department of Foreign Affairs and Trade and the Department of Justice and Equality in order to make the process more equal for all families.

We have been informed that a consultation process on the legislation around the HIU and ICIR will begin shortly. How will families in this jurisdiction be consulted? Will this be facilitated by the Department of Foreign Affairs and Trade?

We would like to express our gratitude to the committee for their assistance in having our funding restored in July 2014 following our representations to it in January of that year. We continue to be funded by the reconciliation fund of the Department of Foreign Affairs and Trade.

We also thank members of the cross-party group who meet us regularly. Some of them are members of this committee, such as Deputy Maureen O'Sullivan, Deputy Brendan Smith and Senator Mark Daly, while the Chairman, Deputy Kathleen Funchion, has attended meetings on occasion, and Deputy Seán Crowe, who is here as well, convenes the meetings for us.

Chairman: I thank Ms Urwin. I call Mr. Mike Ritchie.

Mr. Mike Ritchie: We thank the committee for the opportunity to provide information on the experience of our families in respect of legacy issues. The interest and assistance of State institutions in this jurisdiction have always been welcome. The promise of the Good Friday Agreement was explicitly based on the notion that nationalists would never again be left at the mercy of a one-party state and that, as much as the British Government is incapable of acting with neutrality in its policy approach to the North, the Irish Government should also balance the British approach and seek to guarantee the interests of nationalists. Our clients have often felt abandoned in the past decade as British and unionist campaigns oppose truth and justice in respect of the actions of soldiers, police and their informants and agents during the conflict. If nothing else comes of this engagement, continuing interest in and monitoring of the actions of the British Government in relation to legacy issues will be an important indication that the rights of victims of British and unionist official and unofficial forces will not be ignored.

Relatives for Justice, RfJ, was established in 1991 by relatives and supporters of people killed by British soldiers or members of the RUC, and by loyalist paramilitary organisations in circumstances where collusion with state forces is suspected. RfJ aims to provide appropriate therapeutic and developmentally based support for the bereaved and injured of the conflict within a safe environment. It also seeks to examine and develop transitional justice and truth recovery mechanisms to assist with individual healing, contribute to positive societal change, and ensure the effective promotion and protection of human rights, social justice and reconciliation in the context of an emerging participative democracy post conflict.

RfJ was instrumental in the development of the ideas and the identification of cases to put before the European Commission and European Court of Human Rights in the 1990s. The landmark ruling in 2001, known as McKerr and Others v. UK, around Article 2, the right to life, is arguably the key that has delivered an inescapable obligation on the British Government to deal with the legacy of its actions and those of its agents during the conflict. While we welcome the effort to provide a measure of resolution in all deaths and injuries, it has been the actions of the British state that have received least coverage, and it is the investigations into the actions of that state that continue to be most vigorously protected by those, in the police, in veterans'

associations, in intelligence agencies and in political parties, who should know better.

RfJ has been supportive of the general intentions and aspirations that led to the Stormont House Agreement. In particular, the fact that this agreement had the support of all the political parties in the North of Ireland and the two Governments gave it a legitimacy that earlier attempts to unravel legacy issues had not. The allocation of a decent budget of €170 million was a further indication of an apparent political will, finally, to get the job done.

The architecture in the Stormont House Agreement approximates more or less to that envisaged in the earlier Eames-Bradley report and the Haass-O’Sullivan exercise. The general shape of what needs to be done is, therefore, unproblematic. The question will all be in the implementation. To the extent that there have been discussions on likely parameters, RfJ’s monitoring has suggested general satisfaction. However, more recently, prevarication on behalf of the British authorities has been the order of the day. In particular, the British Government’s endless repetition of a couple of the principles mentioned in the Stormont House Agreement is both instructive and indicative of its approach. There are six principles intended to underpin the whole agreement, yet whenever the Secretary of State for Northern Ireland, James Brokenshire MP, or his predecessor, Theresa Villiers MP, speaks or spoke of legacy matters, they have emphasised principle six, that legacy should be “balanced, proportionate, transparent, fair and equitable”. By this they mean that there is too much focus on what the state did during the conflict. However, another principle calls for the Stormont House Agreement mechanisms to operate in a “human rights compliant” manner. Yet another says that the Stormont House Agreement should “uphold the rule of law”. Neither of these principles can operate in a way that directs equal scrutiny in terms of outcomes. In the alternative, it is a fact that the RUC and criminal justice system operated during the conflict in a manner designed to protect the state and its agents, which means that there will be added focus on their activities in investigations that are, for the first time, independent, thorough and impartial, as required by Article 2 case law.

These British Government intentions underpin our suspicions about the stated aim of the Secretary of State for Northern Ireland, James Brokenshire, to hold a public consultation on plans for the Stormont House Agreement implementation. The agreement is now three years old. All parties signed up to it along with the two Governments. The consultation is designed to allow for the agreed elements of the Stormont House Agreement to be undermined in legislation or by way of implementation. For the first time, the list of consultees includes British organisations and formations which have only recently become vocal as a handful of former soldiers have begun to face questioning and prosecution. This is a bit like consulting British Parachute Regiment veterans in advance of the establishment of the Bloody Sunday inquiry.

The other indicator of British Government bad faith is its reliance on a national security veto which it wishes to enshrine in the legislation setting up the Stormont House Agreement institutions. This would allow the Secretary of State to block reports from the historical investigations unit and the Independent Commission on Information Recovery on grounds of national security. The two bodies have always been envisaged as independent. Impinging on their right to publish what they see fit to publish is a serious breach of such independence.

At a meeting in February 2016 at which the Pat Finucane Centre was present as well, the former Secretary of State for Northern Ireland, Theresa Villiers, assured an RfJ delegation that there was no need to worry about such matters as national security as a veto would only be used in a handful of cases. The evidence I will now outline suggests otherwise.

Over the past decade, the whole state apparatus of intelligence, legacy policing, public re-

cords and information management has been busily erecting a scaffold of policy and practice designed to prevent the leakage of the most basic information into legacy reports. Redactions are now applied over huge amounts of basic information that would in the past have been readily available in any public records. Requests from public bodies for inquest records or court transcripts, both of which are of course held in public, are now routinely taking three years or more to access. When we do finally get them, there are often whole pages blocked out.

In response to the Article 2 requirements around providing information to relatives and providing so-called equality of arms in order that families have more equal representation by way of solicitors and barristers in properly powerful fact-finding inquests, the allies of the RUC special branch have put in place a schema of redaction that makes a mockery of any suggestion of transparency. Non-sensitive disclosure takes years while disclosure of sensitive information is subject to enormous delay, even when such material is the subject of court orders.

All these arrangements are intended to frustrate attempts to uncover the truth of what the British state was up to during the conflict. Levels of collusion have been admitted in report after report that would have been dismissed as propaganda in years gone by. Despite this, the PSNI, holders of public records, the Northern Ireland Office and the intelligence services persist in their efforts to protect their agents from prosecutions when appropriate and disclosure when required.

In the absence of the Stormont House Agreement bodies, relatives have only the current mechanisms as a way of seeking information and closure, namely, the Police Ombudsman and legacy inquests. Both of these have been progressively starved of resources, as Ms Cadwallader has outlined in respect of the Police Ombudsman. The ombudsman has faced year-on-year budget reductions while legacy inquests have had an agreed £45 million budget blocked by Ms Arlene Foster MLA when devolution was in operation and now by James Brokenshire in the face of the Lord Chief Justice's urgent requests. Both mechanisms have been accepted by the Council of Europe as meeting the required criteria of independence and thoroughness to be Article 2 compliant. The shredding of resources is simply the most recent means of undermining European case law and judgements.

The outcome of all these problems is becoming increasingly evident. Judicial frustration is emerging in case after case, and Ms Cadwallader has already mentioned the one relating to Glenanne. In civil cases such as Flynn and Monaghan, where police handlers have been shown to subvert the law and protect agents who have committed murder and attempted murder, the PSNI prevaricates and delays in carrying out court orders on disclosure. In cases of massive collusion, such as the Barnard, or the Glenanne, case, the PSNI has been shamed by the judiciary for refusing to allow independent thematic reports. In cases that the state is breaching Article 2, in failing to provide proper investigations, such as the Hughes, or the Loughgall, case and a couple of other cases I mentioned, the judges are ruling in favour of the applicants. In our view, the judiciary are sending the message that the rule of law is being undermined by the approach of the PSNI and Crown lawyers to disclosure and in wider legacy matters.

However, the approach by the police and intelligence agencies is also undermining the new policing dispensation. Every time the police refuse to hand over material, our families and the public more generally suspect that they have something to hide. That something was under the old dispensation of the RUC. However, if the new police service continues to hide material, it gathers up the reputation of the old discredited institutions and place it on their backs. The Chief Constable, George Hamilton, claims he wishes to hand over legacy matters and concentrate on policing the present. He, however, and his deputy Drew Harris, were RUC officers.

By their actions, they are protecting the legacy of the RUC and thereby undermining both the reputation and the potential legacy of the PSNI.

A final outcome of this unsatisfactory situation is that legacy controversies retraumatise families who are seeking justice and truth. Powerful forces and institutions have implemented the same strategic approach of embargoing access to the truth in response to domestic judicial court rulings and orders much in the same way that they have with international scrutiny. Overall, the approach equates to a continuing form of impunity for its agents and their actions during the conflict. As mentioned, Nils Muižnieks, the Commissioner for Human Rights of the Council of Europe, when he visited Belfast in November 2014, described it as a continuing form of impunity. This impacts significantly on those bereaved and injured, adding additional psychological harms to their trauma. The result is, at best, daily anxiety, stress, poor mental health, and actual physical illness. Indeed, many of the bereaved have died prematurely of illnesses and poor health that their families attribute directly to the *de facto* impunity and denial of a proper investigative process that holds to account those responsible for egregious violations.

It is now 16 years since the initial European Court ruling that gives effect to current obligation under European human rights law to investigate state-caused deaths. The refusal by the UK to provide victims with a remedy by way of implementing Article 2 compliant investigations is now systemic. It is for these reasons that RfJ appeals to the committee to consider urgent appeals to the British Government, the NIO and the Chief Constable of the PSNI to expedite the implementation of the Stormont House Agreement and co-operation with existing legacy mechanisms in disclosure and other matters. Otherwise, the UK will continue this perpetual cycle of delaying and denying the bereaved, and injured, their rights thus exacerbating the additional transgenerational harms already referred to. I thank the committee.

Chairman: Thank you, Mr. Ritchie. Would Mr. Butler like to add anything?

Mr. Paul Butler: No.

Chairman: You can come in on the questions. I am opening up the meeting to questions. I call Senator Daly. We will take a few questions together, and then we will come back to the witnesses. Could people indicate if they have a question for a specific person or a general Inquiry.

Senator Mark Daly: I thank the witnesses for their presentations and for their ongoing work to get to the truth behind what happened in the conflict. In particular, I thank Ms Anne Cadwallader for her assistance in preparing the report the committee launched in August. I have met the Victims' Commissioner. In terms of the outline of the number of cases, are there are 1,300 outstanding cases that have yet to be investigated, 300 of which involve former members of the security forces, of which seven or eight are under active investigation? I might be incorrect in that and the witnesses might outline the number. It is an enormous amount of files and, as has been outlined, the resources are not being put in there. The people who are supposed to be doing the investigation have a vested interest in making sure it does not happen. Even with all of the requirements that have been put on them, they seem to be able to frustrate the process.

I refer to Brexit and the wish to leave the jurisdiction of European courts. I know the European Court of Justice is a different issue but that is not to say that Britain will not leave that jurisdiction as well. It has been spoken about previously in different party manifestos. We have all seen and supported the motions in the Dáil and elsewhere. The European courts ruled a long time ago. If one has a leverage, one must use it in regard to the Brexit negotiations. The issue of Ireland has to be solved, and the Good Friday Agreement is, of course, part of that. In practi-

cal terms, we need to put pressure on the British Government and say that if Britain is leaving the European Union, it must live up to the rulings of European courts, although it will not be part of the European Union *per se*. That might be an angle that we might pursue at another meeting. It is waiting for all the people involved to die and the victims and their families are being further victimised by the treatment they are receiving at the hands of the British Government and the security forces.

That might be another option because the British are impervious to Dáil motions and the British Ambassador is doing nothing in relation to releasing the files. While he talks about assistance, the British simply do not assist. We all know there was collusion, we all know it was a state-sponsored policy and we all know it was known at the highest level, all the way to the Prime Minister's office. We have an alleged democratic country involved in crimes that one would see in South and Central America, with murder gangs being instructed by their handlers. As stated in Ms Cadwallader's submission to the committee, there were only two people in the UVF who were not paid informers on the Shankill Road. This was a state structure, and they are impervious to all sorts of things. The only thing they are concerned about at this stage, and the only leverage we have, is Brexit. We must make the case that part of the agreement is that they have to fulfil their obligations under the Good Friday Agreement. Those issues have to be resolved as part of the settlement. Thank you, Chairman.

Chairman: I call Mr. Paul Maskey.

Mr. Paul Maskey: I thank the witnesses for coming in today. I have heard, and met with, a number of them before, so I know many of the issues that are being dealt with. I would like to commend the witnesses and their organisations on the work they do and have been involved in over the years. I wish them every success in the future. With regard to dealings with the NIO or the British Government on coming forward with files or otherwise, what has been the response? Has it been in any way fruitful? Have they given any times or any thoughts on some of that information being handed over? Some of that goes back to the Stormont House Agreement. There is no reason this should not be up and running. It is simple. I suppose what one has is the DUP and the British Government blaming each other. The DUP will say it is up to the British Government and that it can release the money but the British Government will say it is not cross-party because the DUP does not agree to it. That is the wrong view. If we are to work through and do a report on this particular matter, hopefully that will put pressure on those who are renegeing on making sure that justice is done. As Senator Mark Daly said, and I meet many victims in my own constituency, family members are dying and it is a big issue for them. In some cases, some of these families have fought for over 40 years to try to get justice for their loved ones and it is really difficult for them. The families will tell one that the grandchildren are now looking at this and are taking this forward. We need to get the legacy issue resolved.

I commend the witnesses again on their work because they will get this resolved. I have no doubt about that, with the work and commitment they have put in up to now, and will continue to put in. My questions for the witnesses are on whether there has been any correspondence or dealings with the NIO and the British Government and on what the response has been.

Chairman: I call Deputy Declan Breathnach.

Deputy Declan Breathnach: I thank the representatives of the Pat Finucane Centre, Justice for the Forgotten, and Relatives for Justice for giving such excellent presentations and indeed the people in the Gallery who have come to hear what we have to say. The Chair has asked us to ask questions, but I think it is important, coming from a Border constituency where many

people have been victims or indeed combatants - and I have described all of them as victims, whether they were the silent majority or not - to comment on that. It was the grace of God that I was not a victim of the Dundalk bombing myself only because of the fact that I got a lift home. My father's office, beside where he would normally collect me, was wrecked; he had just left the office when the explosion had happened. It is important to remember people like Jack Rooney and Hugh Waters, not to mention Tom Oliver, Jean McConville and Seamus Ludlow. Indeed, within 100 yd. of my own bedroom window in my parents' house, the body of Gerard Evans was found. Eugene Simmons was probably one of the first victims of the now so-called Disappeared; he certainly was not described as that at the time. He was one of the first to be found back in 1981. That leaves us with, whether it is those people or any of the other victims that are being dealt with, the importance of finding firinne agus cearta na ndaoine.

I was taken with the Irish word for reconciliation which goes along with all this issue of legacy. I am delighted that today we are getting down to some of the nitty-gritty because we have been preoccupied with Brexit virtually since I came into this House. It is more of this kind of engagement we need, and more interaction with all sides to try to at least move forward the pain of the victims. The Irish word for reconciliation is 'athmhuintearas' and the word 'muin-tear' is so important, communities sitting down and not hiding anything anymore. There has been too much hidden and swept under the carpet on all sides. As I see it, as members of this committee, we are obligated to find that truth, justice and closure for families. It will probably never happen. I am interested as someone who obviously was never invited to any of the outreach - and I know I am only a relatively new Deputy, but I spent 25 years on a local authority - to know from the three groupings the percentage of representation because that is important. The witnesses have said they are representing all sides. It will be interesting to hear the numbers coming from both sides of the conflict because I have engaged with many on all sides and I hear different stories. It is very difficult to arrive at a conclusion. The reason I ask is that we recently attended a Bridge of Hope event in Belfast, and heard the stories of the legacies, not just the deaths and murders, but the issues that are still ongoing that need to be debated. People need to come in here and find a voice, a voice that maybe a lot of the public out there are not hearing but through these public sessions, people may begin to realise we are prepared to talk and to try to reach that reconciliation.

Chairman: We come back to the witnesses, and start with Ms Cadwallader.

Ms Anne Cadwallader: I will answer a few of those questions. I thank the committee for referring to the submission I made to its work on going forward towards a united Ireland, the problems and everything. I sent the committee a lot of documents. If anyone is interested in seeing the documentary evidence, upon which we based some of what one might consider wild allegations about collusion, there is documentary evidence dating back to 1972 and 1973, about guns being taken, no evidence of any investigation, joint membership of the UDA and the UDR etc. Senator Daly has those documents. I presume they are available in the Library-----

Senator Mark Daly: They are online. They are also in the big version of the report.

Ms Anne Cadwallader: Good. What was very important from the Pat Finucane Centre's point of view is that when we make allegations and statements, we do so on the basis of evidence. We are not interested in what the dogs in the street say or do, we are interested in hard evidence. Our families are also similarly interested in hard evidence. When Senator Daly talked about the number of cases that remain to be investigated, that is problematic. If I could illustrate that, there is one case for example, a triple murder, that the HET did investigate. The HET discovered that the RUC closed down the investigation into those three murders after two

weeks. They did virtually nothing. Now that case is in some definitions closed because the HET has investigated it. However, those three families are totally frustrated because they have been told that there was no police investigation into their case. The HET has confirmed it, so they want to ask why. That is a case which on one level could be said to be closed but, as far as the families are concerned, is certainly not closed.

On the British trying to escape their obligations under the European convention, even if they walked away from the convention tomorrow, they would still have to answer questions and be responsible for their actions during the time that they were signatories to the convention. They cannot escape their obligations there. On the intergenerational trauma, and how children and children of children are being traumatised and are throwing themselves into investigating cases, there is one example that I can give of the great-grandchild of one of the hooded men who is now involved in his great-grandfather's case. This is not a question of letting people die. The trauma will continue and survive down the decades if it is not resolved.

Dare I even suggest that in this State, your trauma from the Civil War remains unresolved. We are coming to some anniversaries of that and I think that will be evident in the discussion that will go on at that time. In Spain, after the Spanish Civil War, they had an agreement to forget and people sometimes said to us in the North: "why can't you be like the Spanish and have an agreement to forget?" Well, I do not think they are saying that quite so much at the moment.

Finally, the HET, imperfect as it is was, did some good work, especially in the Glenanne series and there are others as well. It was not perfect, it did some really terrible investigations but it did do some good ones. The British Government is absolutely terrified of this being repeated. It is terrified about what it did during the conflict being exposed. It is terrified, but there is a massive possible benefit for the community in the North. If people in the North understood much better what went on during the conflict and how they were manipulated, and how cynical forces they knew nothing of at the time, were involved, then the potential for reconciliation would be much greater.

As far as the Pat Finucane Centre is concerned, we do represent people from both communities. We would not pretend that is equal. The community in the North is so divided that people will only go and ask for help from organisations they believe they can trust. We do have families from the Protestant-unionist-loyalist community that we advocate on behalf of. Most of them, if they come to us for help, do not want anyone to hear about it. We totally respect that confidential request and so I cannot tell the committee about it. There are not as many as from the Catholic-nationalist community, but there are such people, and we quietly in the background do a lot of work that we cannot talk about. That would include that line of inquiry, that line of investigation.

Chairman: I thank Ms Cadwallader. Would anybody else like to come in on those questions?

Ms Margaret Urwin: Members mentioned the failure of the British to release the files as demanded by three Dáil motions now. As Senator Mark Daly said, the British ambassador is doing nothing about it, and obviously the committee has had meetings with him. The former Taoiseach, Deputy Enda Kenny, brought all the party leaders together last October to get their input - as leaders of the Opposition - regarding how this might be resolved or progressed but the meetings did not continue. One of the things I am hoping may come out of this meeting is that the committee might ask the new Taoiseach to reinstate those meetings or perhaps use the Good Friday Agreement to come up with some ideas. It seems the British feel so comfortable

in totally ignoring this. Deputy Brendan Smith has said in the Dáil that they have felt comfortable ignoring the request of a sovereign Parliament. Mr. Maskey also asked about that. There is also the idea, as Senator Mark Daly said, that they are waiting for the families to die. Many of our family members have died and, as Ms Cadwallader said, the next generation has taken up the gauntlet and is continuing the campaign. It is just delay, delay, delay. It is frustrating for all the families.

Deputy Breathnach mentioned the Dundalk bombing. We represent those families and one of the survivors who was badly injured. He also mentioned the importance of reconciliation. Reconciliation is unlikely to be achieved without the truth. Before we can have it, we have to have the truth.

The Deputy asked about the degree of representation. We operate in the Republic and all our people come from one side of the community. We have represented a family from the other side of the community. In the past, we assisted them in their dealings with the HET. They lived here but their family member was killed in Derry. We, therefore, have experience of helping the Protestant community as well.

Mr. Paul Butler: The current situation reflects that the North has not been a priority for both Governments, and, primarily, the Tory Government. The difficulties with Brexit and the collapse of Stormont mean there has not been a focus on dealing with the past, hence we are at the point where none of the mechanisms that all of us agree would give some measure of resolution and that try to deal with the past is being used. In that situation, it is important for the likes of this committee to try to emphasise to the Government that this needs to be done. The committee has done good work. When the Good Friday Agreement was set up, the North was the focus of attention constantly for both Governments and we need to get back to those days.

The origin of Relatives for Justice was state violence. We represent people, however, whose loved ones were killed by the IRA. We also have the quilt project where loved ones put a square on a quilt. There are perhaps 40 squares on the quilts. We are up to our 11th quilt. Most of the people were killed by loyalists, the RUC, UDR and British army but some people were killed by the IRA.

I was trying to give the committee a sense of where things stand. As the other witnesses mentioned, the only mechanism people in the North have is the Police Ombudsman, whose office has been starved of resources despite the fact that a judge in the High Court in Belfast was scathing during a recent judicial review and said more resources should be provided to it. The office has 400 complaints. It primarily deals with complaints against the former police service in the North, the RUC. The complaints are grouped and the investigations are given names such as Operation Achilles and Operation Greenwich. Most of them relate to RUC misconduct and to RUC handlers running agents in both the UDA and the UVF.

A big issue with the investigations is preventability. Could the murders have been prevented? Yesterday, for example, the case of Gary Hegarty, who was involved in five or six murders of Catholics, came up before the High Court. He made strong claims about two handlers to whom he had given that information, yet the five Catholics were murdered. Operation Achilles relates to killings in a bookmaker's shop in south Belfast by the UDA and three other murders in the area. The Police Ombudsman for Northern Ireland is looking at collusion between the UDA and the RUC. Operation Greenwich involves 20 murders. Most of the victims were members of Sinn Féin or the IRA and they were killed by the UDA acting on information from the RUC. Members of the UDR were also involved. A report on that is imminent.

The Loughinisland report focused on the UVF and a shipment of South African weapons that were used. Operation Ashton is an investigation into 19 murders in east Tyrone. Some involved republicans and nationalists who were killed by the UVF. Operation Newham relates to Glenanne and 120 murders. Operation Medfield is examining the activities of the UVF and UDA in the greater Belfast area from the 1970s until the end of the conflict. It is a major investigation into RUC misconduct, with RUC special branch handling agents killing both republicans and Catholics. There is a major investigation by the ombudsman into the South African weapons shipment, about which British intelligence knew. The DUP and the Ulster Resistance were involved in bringing it to the North. There is an investigation around Stakeknife, which relates to allegations of an informer who was in the IRA. This gives a sense of the state collusion involving the RUC and British intelligence.

That is what we primarily deal with. The relatives of people the IRA killed are entitled to the truth about what happened to their loved ones but there is a higher threshold for the state. This was the state acting with impunity through British soldiers, RUC men and UDR members.

Mr. Mike Ritchie: I would like to clarify the comment regarding South African weapons. It was the Ulster Resistance, not the DUP. There are some allegations, however, that there were links between them.

Mr. Maskey asked about the reaction of the NIO to requests for information. They always say, "We want to make this happen". There are elements within the British state who want to get things done because every six months they are before the committee of Ministers of the Council of Europe and they have to take hard questions from their European colleagues about why they are not getting this done. There is a policy decision to do it and they have signed up to it but they come under various pressures, most recently from veterans who are up in arms because finally some soldiers are ending up in the dock. They have to manage that at a political level. The question of national security intelligence is difficult for them. The best story relates to when Pat Finucane's family went over to Downing Street to meet David Cameron and they thought he was going to agree to finally provide for a public inquiry into Mr. Finucane's murder. It is on the public record and has been said by the family that David Cameron indicated at the meeting that there were people in Westminster generally who would not allow a public inquiry in that case. The politicians are not the arbiters of these kinds of national security issues, which is the issue for those of them who want to actually get something done.

The British state is becoming very determined to try to nail down national security. In the past, national security has been a kind of moveable feast, invoked whenever the British wanted, whereas now, they are trying to put it into legislation, which is a quite a difficult job. It means they are getting themselves completely consumed by the whole matter. Obviously, there are people whose intentions are much more malign. While it is not enough, the de Silva report, which eventually came from what David Cameron acceded to in the case of the Finucane family, makes one say, "My goodness, what do they want to hide", particularly in view of the fact that some of the information in the report is devastating and damning as to the level of collusion that existed. If that is what they are willing to put into the public domain, what exactly do they have to hide? That is what we are all wrestling with. However, the tenacity of families has meant that we know so much more now than we did previously. It is a question of continuing to dig and eventually we will get more and more information.

Of course, the British state is one of the most secretive in the world. It designed and brought forward the Official Secrets Act in 1911 as a temporary measure. That Act is still in place and, arguably, has been built on. It is a difficult job but we keep digging away. The important thing

is that international law backs us up. Any time international experts come to visit the North, they confirm what we are asking for in terms of transparency. They say that the onus is on the British state to show why it should not hand over the relevant documentation. This is something in respect of which we have to keep fighting.

Senator Mark Daly was accurate on a number of occasions. Those are the kinds of ballpark figures people talk about. However, what Ms Cadwallader says is very important. Albeit that it is now closed, many people who got HET reports were unsatisfied with them and are asking more questions. If there are questions which remain unanswered, particularly where new information has come to light, that must go onto the caseload. It is those ballpark figures about which we are talking.

Deputy Breathnach asked about numbers on both sides, which Mr. Butler has already outlined. However, I should say that there are some, if not many, from the Protestant community who come to avail of our therapeutic services. It is important to point that out. As Ms Cadwallader says, however, these are sensitive issues and they cannot be publicised too much. There have been people from the loyalist community who have sought help in respect of the activities of the state forces against their people. We are absolutely clear that we are willing to help whoever walks through the door. We guarantee them the same level of service and assistance.

Chairman: There are three more questioners indicating. I will then pose one or two questions myself. I call Deputy Brendan Smith.

Deputy Brendan Smith: I join the other members of the committee in welcoming our guests and thanking them for their presentations. I have been very familiar over the years with the work of Ms Urwin and Justice for the Forgotten, as well as with Ms Cadwallader's work in more recent years. Ms Cadwallader's book, *Lethal Allies: British Collusion in Ireland*, brought together a huge amount of information on the horrors inflicted as a result of collusion involving British state security forces and the number of people murdered by the relevant gangs. Immediately after its publication, I secured a Dáil debate on the issue to which the then Tánaiste and Minister for Foreign Affairs, Eamon Gilmore, responded by saying that he would bring all of the issues to the attention of the British Government. The book is a very good reference on the horrors inflicted on so many innocent people, aided and abetted by British state security forces.

I have been familiar with the work of Justice for the Forgotten since its formation in the mid-1990s. I am very glad that, along with some of the visitors here, Senator Mark Daly, Deputies Maureen O'Sullivan and Crowe and I have the opportunity to meet practically every month to try to make progress on the search for justice and information. On the previous occasion on which there were Oral Questions to the Minister for Foreign Affairs and Trade, I asked him about the fact that the British Government has failed to respond to the three motions passed unanimously by Dáil Éireann and calling on it to provide access to an independent international lawyer to the files and papers pertaining to those murders and bombings. As I said on the day in question, it is reprehensible, deplorable and totally unacceptable that the British Government has ignored the unanimous requests of a sovereign Parliament.

We have all had discussions with successive British ambassadors and Secretaries of State but the question has been evaded by means of a non-answer to all of us. Deputy Breathnach was in Cardiff when I had a very vigorous exchange with the current Secretary of State on the obfuscation and non-answers he continues with also. Deputy Breathnach and I will be at the British-Irish Parliamentary Assembly meeting on Sunday and Monday and, if we have the opportunity, we will be raising it again. It might be no harm for the committee to write a letter to

Mr. Brokenshire stating that this matter was considered again today and that it is our unanimous request that the British Government respond to the requests of our national Parliament. We must keep it on the agenda.

Ms Urwin will be aware that Deputies Maureen O’Sullivan, Seán Crowe and I met the former Minister for Foreign Affairs and Trade, Deputy Charlie Flanagan on this issue some time before the membership of the Government changed. We have requested that the current Minister, Deputy Coveney, meet us again on behalf of the cross-party group. It is scandalous that we have made no progress on this issue. All the Dáil requested was a very responsible, comprehensive motion asking for access to the papers and files for an independent international person. It is deplorable that there has been no response. We must keep it on the agenda. As every day goes by, everybody gets older and families see the possibility of obtaining justice decrease.

The Police Ombudsman for Northern Ireland has refused to include the Belturbet bombing of December 1972. Is there any point in the committee asking for those particular bombings, murders and tragedies to be included at this stage? Ms Urwin might consider that matter and come back to the committee on it. If that is the appropriate route to go, I am sure the committee could, by agreement, ask for its inclusion. The committee will be glad to support any request Justice for the Forgotten makes of us because its work is extremely important. I commend the three organisations represented on the ongoing advocacy and representative work they do on behalf of victims and families and, unfortunately, in memory of so many innocent people whose lives were needlessly taken.

Senator Frances Black: I thank the witnesses very much for coming in today and for the fantastic presentations that were provided. What is going on is a huge injustice. I can only imagine what it is like for families that are really traumatised. What they have gone through is awful. Ms Urwin is completely right in saying that there has to be truth before reconciliation and, hopefully, then trust. The trust is completely gone and that is born out of injustice and what has happened. I agree with Deputy Smith. I would like the committee to make this a priority because it is very important. I worked with a cross-community, cross-Border group previously. It was really around trauma, but it was a little bit different. What I found really interesting was that the people who came from the South were dealing with their own traumatic issues and they were listening to people from the unionist and republican sides who had been really traumatised from the point of view of living in the conflict, family members dying, and huge injustices going on. What really jumped out at me was that the people from the South had absolutely no idea about what the people in the North were going through, particularly around what we are talking about today and the injustices that have hit many families.

In a way, that model is the same as what is going on now down here. Nobody really understands the devastation and what the feeling was like down here in particular. Deputy Smith is spot on that we have to keep our foot on the pedal on this issue. We have to prioritise it. The witnesses have answered my question, particularly Ms Urwin when she spoke about what she would like the committee to do. I was not aware of the monthly meetings and I would love to be involved in those meetings. My colleague feels the same. We would love to be involved and to really push this forward. I am sure the Chair would agree with me that we want to do our utmost to try to get the truth for the families because trauma is carried on down through generations. It lasts for many generations and the impact is insidious; it is soul-destroying and devastating. We have to get to the bottom of this. We have to do our utmost, and work extremely hard on it.

The only question I have is what is the first thing the witnesses would like us to work on. What is the top priority for them? Going forward, how would the witnesses see us doing that?

I agree with Deputy Smith that the committee needs to write a letter.

Chairman: I call Mr. Mickey Brady.

Mr. Mickey Brady: I thank the witnesses very much for the presentations. Ms Cadwallader mentioned state weapons being used in murder. I would like to mention a case that I had some personal knowledge of. I worked in Belfast in the 1970s when the Shankill Butchers were pursuing their reign of terror. A colleague of mine, Ted McQuaid, was murdered on the Cliftonville Road in the mid-1970s. He was shot by a guy who got out of a black taxi. They think it was Lenny Murphy who shot him. Mr. McQuaid was shot with a weapon that had been taken off a UDR man in a drinking club in the Shankill about two days before that particular night. After he was shot, and while he was still dying on the ground, the British Army were there. One of them actually said, as far as I know from colleagues who were there, the act of contrition into his ear so they were on the scene. The taxi was driving away and it was pointed out to them, but they did nothing. Reading the HET report, the RUC knew within two days who had taken that weapon off the UDR man - "taken" is possibly a euphemism as it was probably or possibly given to them - but they did nothing about that.

If one considers the case of the Shankill Butchers, they were not using cars that were burnt out. They were using a black taxi. That was the vehicle that was used all the time. That was just one indication and it is a case that has not really been mentioned over the years. Mr. McQuaid's brother lives in Newry. I have spoken to him over the years and that is another family that has never had justice. Ted McQuaid was 25. He was newly married and had just bought a new house in Suffolk, and his life was taken from him.

In terms of people dying, I would have a lot of contact with the O'Hare family. Majella O'Hare was, again, murdered by the British Army. She was shot with a heavy duty machine gun. She was 12 years of age. If one reads that HET report, the paratrooper - I think they called him Michael Williams - was taken to court and acquitted. That family has never had justice because she was shot going to confession in a church. Her father was in the graveyard cutting grass when it happened and he was on the scene. Reading the report, ten British soldiers were present at a checkpoint - the marines were coming in to take over from the paras - when Michael Williams shot Majella O'Hare. He claimed he saw a gunman, allegedly, and this was why he fired. Eight of the soldiers said they agreed with him. The two that were closest to him disagreed with him but that was never taken into account. Those are just examples.

The other question I would ask Ms Urwin particularly is, in terms of the Dublin-Monaghan bombings, whether she thinks that on both sides of the Border, regarding the British Government and indeed the Government here in the Twenty-six Counties, that there is a lot more information that was known and could be released. That would expedite any investigation and resolution of that horrible atrocity.

Chairman: I have two brief questions. Ms Anne Cadwallader made a point in her remarks about the criminal justice budget that 0.2% goes to legacy issues. In the additional £1 billion that has been secured, does she know if any of this has been allocated for legacy issues?

In relation to the cases that were not accepted by the ombudsman, does Ms Urwin know if any reason was given, or what were the reasons given? I ask the witnesses to comment and to make any concluding remarks that they might like to make.

Ms Anne Cadwallader: On the Police Ombudsman's budget, 0.2% of the overall criminal

justice budget goes to the ombudsman. Of that, only 22% or 23% goes to legacy issues. If I drew a line on the map, it would be wider than the actual section on the diagram. It is absolutely minute and, as far as we are aware, none of the DUP's money is going to that area.

Regarding weapons, we have a document dating back to 1973 that says that most weapons in the hands of loyalists originated from the UDR. All Loyalist modern weapons, including submachine guns and automatic weapons like that, originated from the UDR. All the murders carried out by loyalists at that time that used submachine guns therefore involved weapons that originated from the UDR.

The British Army's own internal assessment was that between 5% and 15% of all members of the UDR, the largest regiment in the British Army at the time, were also in the UDA and the UVF. The British kept very accurate accounts routinely every month of all the weapons that were being taken month by month and where collusion was suspected. Hardly a month went by when weapons did not go missing. There was never any investigation into the weapons going missing. One example is one weapon that was taken from Glenanne UDR base in south Armagh which was used to kill 11 people over a period of 11 months. Nineteen children lost their fathers as a result and five children were orphaned by that weapon. There was no investigation. The platoon was not stood down and there was no internal inquiry about how this weapon went missing. The same could be said of all the hundreds of weapons that went missing - "missing" in inverted commas - from the UDR. They simply did not care. Collusion was referred to right from 1972 onwards. They knew those weapons were not being taken to be hidden or used for any purpose other than sectarian murder.

Ms Margaret Urwin: Deputy Smith asked about the cases not accepted by the Police Ombudsman, in particular, those in Dublin in December 1972 and January 1973 and Belturbet. The point is that the Police Ombudsman for Northern Ireland's remit is quite limited because he can only examine or investigate misfeasance by the police. He cannot really investigate cases involving the British Army or the Ulster Defence Regiment, UDR, unfortunately. However, as Mr. Mike Ritchie has stated, that is the only mechanism we have at present and he has gone far down the road in investigating the Glenanne attacks. I made complaints in respect of the bombings of Dublin in 1972 and Belturbet. I did not even make a complaint regarding the bombing in Dublin of January 1973 because there is so little information about it. While I formulated the complaint, there was really no point when the other ones were rejected. I appealed the decision in respect of the December 1972 bombing but again, that appeal was rejected. In the case of Belturbet, there is a slight possibility that it will be accepted. It has been rejected but something has happened recently and it is believed it may be linked to another case being examined at present. It is just possible that it will be accepted and I should know that next week. There will be a decision taken on it.

As for the committee making a request of the Police Ombudsman for Northern Ireland, I am not sure that would be appropriate because obviously, the ombudsman makes the decision based on the evidence in front of him and if we do not really have information as to police misfeasance, I do not suppose he is going to take it up. Maybe we could discuss it further, or the committee could discuss whether it thinks that would be an appropriate thing to do.

The Shankill butchers were mentioned. I deal with the Shankill butchers in my book, *A State in Denial*. Inspector Jimmy Nesbitt is lauded for having solved the case of the Shankill butchers but I believe that had Gerard McLaverty, who is now deceased, not survived, it would never have been solved. Mr. Mickey Brady is quite right, in that it really was allowed to go on and on when they knew very well who was responsible. I am delighted to hear that Senator

Black and Deputy Breathnach would like to join the cross-party group. There will be a meeting next Wednesday at 1 p.m. and it will be here. Did I answer everything or was there some other question on which I have missed?

Chairman: I think Ms Urwin has covered everything.

Ms Margaret Urwin: I am sorry-----

Senator Frances Black: If there is one specific thing the witness would like us to work on as a committee, what would that be, or what would be her priority?

Ms Margaret Urwin: I think I have given the committee an A, B and C, so I have given-----

Senator Frances Black: Is there is a priority in all of those going forward and does Ms Urwin want us to work on one big one or is it just that-----

Ms Margaret Urwin: They are all important, really.

Ms Anne Cadwallader: We have a suspicion, and it may not be fair, that when the Irish Government or Ministers meet their British counterparts, it is very much a tick-box exercise. Maybe it is unfair and I am not being reasonable. We are obviously not in the room when the meetings happen. For all we know, the Minister for Foreign Affairs and Trade bangs the table and makes demands, is tough and negotiates well. We do not know because we are not there. We do sometimes fear, however, that when Ministers from the Irish Government meet British Ministers, there is not quite the sense of outrage and passion that we have; that economic and other issues take precedence and the rights of people in Northern Ireland - that have been so trampled on - are not something that really gets the blood up. Whether that is expressed through hard negotiations or banging the table, we sometimes fear it is just a question of asking, as the last item on the agenda, what the British are going to do about the Dublin-Monaghan bombings and on hearing that they are not going to do anything, simply agreeing to meet again in the following month. That might be very unfair.

Ms Margaret Urwin: There was one other thing. Senator Black referred to the fact of people here not really knowing anything about what went on in the North and when we appeared before the committee nearly four years ago, I spoke about the amnesia on the point that there are victims of the conflict in this jurisdiction. I spoke about the amnesia of Governments. I spoke about the amnesia of the media in particular; the Southern media do not report much of what has happened in respect of cases in the North or collusion. It is just totally swept under the carpet and is not dealt with at all and I think that is part of the problem. I note that for many years, section 31 of the Broadcasting Authority Act was in force, which had a detrimental effect on this State. The media still continue to ignore the conflict in general.

Mr. Paul Butler: I wish to clarify two points. The Police Ombudsman for Northern Ireland has remit primarily for current policing in the North, that is, the PSNI, if it is involved in controversial killings or ill-treatment and so on. A smaller part of its budget deals with historic division. There are approximately 20 investigators-----

Mr. Mike Ritchie: There are 25.

Mr. Paul Butler: To give members some sense of it, there are 25 investigators trying to deal with 400 complaints in respect of murders. Mr. Mickey Brady had brought up the Shankill Butchers. Relatives for Justice, RfJ, represents some of the families and we have lodged a

written complaint. The Shankill butchers were a UVF loyalist gang. They operated in the mid-1970s, primarily in north Belfast, and were involved in 30 murders, most, albeit not all, of which were of Catholics. They killed several people who were members of the UDA or UVF and some people who they thought were Catholics but turned out to be Protestants. Believe it or not but they operated within a two or three-mile radius within which all the people were killed. Most of their victims were killed with knives and butcher cleavers and they dragged them, as Mr. Mickey Brady noted, into the back of a black taxi which one of them owned. They had another car and they kept the knives in their own houses. It begs the question, obviously, as to where were the police in this regard, because it happened over a four or five-year period. Families are frustrated because the complaint is among the aforementioned 400 and it has not even been started yet.

Chairman: Thank you. I call on Mr. Mike Ritchie.

Mr. Mike Ritchie: In respect of that point, if the family Mr. Mickey Brady knows wants to talk to us, we have gathered a fair amount of information about that and would be very happy to share it. Another point I will share with members is that in a couple of cases we are dealing with, the murders took place in this jurisdiction. One thing we have begun to explore is meeting with the Garda Síochána. First, we wrote to the then Minister for Justice and Equality and the then Garda Commissioner - both of whom have now changed - and they referred us to the cold case unit in the Garda. We have had quite a positive engagement with regard to two cases, which has provided us with more information because naturally, there will be a Garda file down here. At the very least, the possibility of a re-examination or review of that may provide some more information. As we understand it, the Garda is able to go to the North and ask for information from the PSNI and that might be something that is worth looking at. We are not convinced that it gets much co-operation. The Garda Síochána has a way to go in terms of providing information, although the response we have received in that regard has been very good. However, it is worth bearing that in mind in regard to conflict-related deaths in this jurisdiction.

I thank Deputy Brendan Smith for his kind words and support. This work can sometimes be thankless. All of the support we get is very much appreciated. It does help the families that we represent to know that legislators here are interested in the issues at the heart of their cases. One of the most important things is continued interest. I should point out that recently there has been a transformation in the environment around dealing with relatives of victims. Previously this work was done by the Pat Finucane Centre and Relatives for Justice but following on from the European funding provided under the PEACE IV round of funding, there are now some 25 advocacy workers funded through the Victims & Survivors Service. PEACE IV funding is partly supported by the Irish Government and as some of those resources are used to meet the cost our salaries and the salaries of other organisations, the committee might be interested in reviewing what some of the other organisations are doing, some of which operate more on the loyalist side. The idea was that once the historical investigations unit, HIU, and the Independent Commission on Information Retrieval, ICIR, were up and running, these extra resources would be made available to support families to engage with the new institutions. While the funding is now being made available through all of these organisations, the institutions are not yet up and running. It is a bit of a mismatch, which is a shame. The committee might be interested in exploring this area.

Ms Cadwallader asked earlier if the Minister for Foreign Affairs and Trade strikes the desk when speaking to his British counterparts. I was amused recently when researching some of the original shoot-to-kill cases in 1982 to note from *The Irish Times* at that time that as a result

of the prosecution of an RUC man in respect of one of those cases, it emerged that an RUC unit had crossed the Border to Castleblayney and was tracking and monitoring the activities of an INLA group in this jurisdiction without so much as a by your leave from the Garda Síochána. The former Taoiseach, Garret FitzGerald, was mightily unimpressed, carpeted the British ambassador and forced him to give an abject apology. We would like to see an abject apology on behalf of the British in regard to legacy issues. It might be worth refreshing the mind of the Government from time to time as to how it acted in the past. I understand that co-operation is far better than argument but sometimes co-operation does not get us very far with the British Government in this regard.

I thank the committee for the opportunity to appear before it today. I hope we can continue this relationship.

Chairman: Would Ms Cadwallader like to comment?

Ms Anne Cadwallader: I do not want this to be one long whinge from this side of the table. We are making progress. There is no doubt about that. The truth is gradually being dragged out, piece by piece. Families will not give up and we will not give up. We are making significant progress, through low cunning sometimes, and through tenacity. Because of families, we are going forward. We are not stationary and we are certainly not going backwards. We are going forward and we will continue to do so.

Chairman: I thank Mr. Ritchie and Ms Cadwallader.

Ms Margaret Urwin: I thank the committee for inviting us here today.

Chairman: On behalf of the committee, I thank all of the delegates for being here today. We believe everybody on all sides needs to see justice and truth. It is unacceptable to us that people have had to campaign for so long just to get information. This is a topic on which the committee is now focused. As I am sure the delegates are aware, the focus of the committee earlier this year and last year was on Brexit but we are now focused on legacy issues. As I said earlier, this is the first of a series of meetings on this issue, following which the committee will decide on what actions needs to be taken. As for the issues raised by Ms Urwin on the reinstatement of meetings with party leaders and in regard to the letter issued, I understand that working is going on in that regard within the Department of Foreign Affairs and Trade. The committee secretariat will follow up the matter and get back to Ms Urwin.

We propose to hold all of the meetings and to then revert to people in regard to where we are going. It is important we are fair to everybody involved. I thank the delegates and all of those in the Public Gallery. This is not an easy task for families and we appreciate them coming here today.

Deputy Brendan Smith: In regard to my suggestion that the committee write to the Secretary of State, Mr. Brokenshire, is that agreed?

Chairman: I do not think there is any issue with that. The British-Irish Parliamentary Assembly is meeting in Liverpool on Sunday. Deputies Brendan Smith and Breathnach and I are members of the assembly and as such we can try to-----

Deputy Brendan Smith: Nobody has raised the Dublin-Monaghan bombings in the Dáil as much as I have over the years because my constituency is Cavan-Monaghan. Ms Urwin and her colleagues met the former Minister for Foreign Affairs and Trade, Deputy Charles Flanagan.

12 OCTOBER 2017

Deputies Crowe, Maureen O’Sullivan and I had a meeting with the Minister on the same day. To be fair to the Minister, he was very much engaged on the subject, as were the senior officials who accompanied him, including the current ambassador to Britain, Mr. Adrian O’Neill. The Minister and his officials were very forthcoming with us on the issue and the engagement was very good from our point of view. I am an Opposition Deputy and it is not my business to defend the Government but to be fair to the former Minister for Foreign Affairs and Trade, Deputy Flanagan, Mr. Adrian O’Neill and their colleagues, I want to put that on the record. We need to ensure maximum pressure is put on the British Government such that this matter is not an item on an agenda to be ticked off. That is the wish of all of us.

Chairman: The Minister for Foreign Affairs and Trade, Deputy Coveney, will be coming before the committee around the end of November. Hopefully by that time a number of the proposed series of meetings on this issue will have been held such that we will be in a position to raise some issues with him.

Ms Margaret Urwin: We have sought a meeting with the Minister for Foreign Affairs and Trade, Deputy Coveney, because obviously we have not yet met him.

Chairman: I thank the delegates for their attendance today. We will be in touch.

The joint committee adjourned at 4 p.m. until 2 p.m. on Thursday, 26 October 2017.