



SEMINAR REPORT

HISTORICAL INQUIRES AND INFORMATION RECOVERY

THURSDAY 14TH FEBRUARY 2013

HILTON HOTEL, BELFAST

BACKGROUND

The Commission for Victims and Survivors embarked on a series of seminars in January 2013. The purpose of these seminars is to;

- To disseminate the findings of the Report;
- To hear views from stakeholders;
- To discuss the findings of the research;
- To inform stakeholders of new developments;
- To widen the discussion on Dealing with the Past

The second seminar in the series was held on Thursday 14th February on the theme of historical investigations and inquiries and information recovery. Invitations were extended to key stakeholders including victims and survivors groups, statutory agencies and key academics in this field.

ATTENDANCE

There were 56 attendees at the seminar from across the victims and survivors sector including groups and service deliverers, statutory agencies, members of the Victims and Survivors Forum, individuals and Queens University, Belfast (QUB).

A full list of attendees is detailed in Appendix A.

STRUCTURE

The Seminar was introduced by Commissioner Kathryn Stone OBE and chaired by Mr Adrian McNamee, Head of Policy, Research and Development at the Commission for Victims and Survivors. The Chair began the seminar by outlining the aims of the seminar and explaining that;

- this research was part of the development of the Comprehensive Needs Assessment;
- the seminar will inform the Commission on the needs of victims and survivors in terms of truth, justice and acknowledgement;
- and how or where we could make recommendations for improving experience of historical investigations or information recovery processes

Presentations were given on two pieces of research. The first was on the research conducted by the Commission in March 2012 on *Historical Investigations and Information Recovery*. This research was conducted by Deloitte and Colin Mounstephen presented as the lead researcher. The objective of this presentation was to disseminate the findings of the research report.

The second presentation was given by Professor of Law and Transitional Justice, Kieran McEvoy, QUB. The topic of the presentation was *Amnesties, Prosecutions and the Public Interest: Dealing with the Past in Northern Ireland*. The objective of this presentation was to inform the ongoing debate about Dealing with the Past and inform the sector on a 12 month project between QUB and Healing Through remembering (HTR).

After each presentation there was an opportunity for a question and answer session.

RESEARCH ON HISTORICAL INVESTIGATIONS AND INFORMATION RECOVERY

The presentation by Colin Mounstephen detailed the following areas;

- Objectives – experiences of victims and survivors who engaged with HET, OPONI, PSNI, Coroner's Service and Criminal Cases Review Commission,
- Methodology – desk top review, 30 case studies, consultation with service providers and NGO's.
- Case Studies – information and statistical breakdown of cases used,
- Findings - experience and expectations. Current arrangements and challenges, support for individuals and families and Support from NGO, s.

- Looking Forward – services, customer care, access to services, support for individuals and families and practical issues for statutory providers.

An opportunity was given for questions and answers and the following issues were raised;

Remit of the HET- An individual raised the issue of those who died at the scene of incidents or attacks during the conflict. CAIN has identified 25 individuals who died in this way. These individuals are not considered to be victims and are therefore not entitled to access historical investigations or information recovery processes. A representative of the HET responded by adding that they have accepted exceptional cases on humanitarian grounds.

Role of Family Liaison Officers – Families have not been able to avail of Family Liaison Officers who are expertly trained to deal with families who have experienced trauma or need support during the process of historical investigations. There are no specific Family Liaison Officers within HET, the investigating officer reports back to the family. Is this a gap in provision?

A HET representative responded by saying that the role of the Family Liaison Officer is a specific dedicated role for ongoing investigations but as the HET conduct review and focus rather than full reinvestigations this service is not offered. There is a dedicated Helpline that operates 9-5 and a dedicated investigating officer for each family. The HET has evidenced high satisfaction rates and will continue to respond to needs, adapting processes and procedures were necessary.

Policy – The broader issue of policy needs to be addressed, for example could a truth commission be a more effective conduit for information recovery? Several delegates commented that this report evidenced the need for an independent international truth commission. Healing through Remembering and the Forum are looking at this issue but a wider process is needed.

There needs to be more focus on those who will not or cannot aid investigations.

Funding for advocacy in the victims sector - The Social Support Programme of the VSS will fund advocacy for victims as recommended by the Commission.

Status Update on Research Participants – A participant pointed out that this report is now outdated and suggested that the Commission take a longitudinal view and revisit the Case Studies participants and see if their view has changed any with the passing of time since the research was published.

Amnesties, Prosecutions and Truth Recovery and Dealing with the Past in Northern Ireland

Professor Kieran McEvoy presented on the ongoing research being conducted in partnership between QUB and Healing through Remembering. This research is designed to inform the debate in NI regarding dealing with the past and provide information on the international, historical and legal context of amnesties, prosecutions and truth recovery.

Professor McEvoy covered the following areas;

- Research Themes – functions of amnesties and limitations of legalism,
- Definition of amnesties,
- Controversy over terminology,
- International Research - database of 530 amnesties in 138 countries including South Africa, Uruguay, Bosnia, Argentina and Uganda,
- Relevance of international research to NI debate – plurality of voices, legality to international law, blanket vs. conditional amnesties,
- Overview of amnesties in NI - 1969, Decommissioning in 1997, Early Release Scheme 1998, Disappearances 1999, Bloody Sunday Inquiry and ‘on the runs’,
- Legacy Commission and proposed immunity /Eames Bradley,
- Difficulties and legal issues associated with historical prosecutions – lack of available or reliable evidence, forensics, eye witness accounts, confessions and symbolic accountability.

Professor McEvoy concluded by summarising the project as a method to inform the debate on amnesties and prosecutions in an international, historical and legal context and allow people to make decisions from a position of knowledge. He informed the attendees that a series of further events, meetings and a conference was planned and that any interested parties could contact him at QUB, School of Law.

An opportunity was given for questions and answers and the following comments and questions were posed;

Commendation - A participant commended QUB and HTR for this research project as it resumed the debate on issues raised by Eames/Bradley which had been jettisoned.

Use of language and terminology - A participant commented that he was dumbstruck by the use of language such as “non state actors” instead of “terrorist”. Professor McEvoy replied that the terminology he used wasn’t exclusive to NI and he uses for the language which is internationally accepted and nuanced to post conflict situations. This also highlights the plurality of voices on this issue and the need to respect diversity of opinion.

Smithwick Tribunal - A participant asked about the Smithwick Tribunal and if there were any parallels or learning to be drawn? Professor McEvoy replied that they are carefully studying the development of this tribunal.

CONCLUSION

Commissioner Stone brought proceedings to a close and shared the key areas of learning for the Commission as a result of the seminar;

- Revisit the issue of deaths at the scene of conflict related incidents and explore and scope out the key areas of need and concern;
- The need to continue to develop relationships, partnerships and communication between key stakeholders across the victims and survivors sector, service deliverers and statutory agencies;
- Continue to work with the Dealing with the past Working Group of the Forum to enrich our knowledge and understanding of how we can positively affect change.

APPENDIX A

ATTENDEES AT HISTORICAL INVESTIGATIONS AND INFORMATION RECOVERY SEMINAR

| | | |
|----------|------------|--|
| Stephen | Gault | Forum |
| Fiona | Molloy | Contact |
| June | McConnell | OPONI |
| Lesley | Carroll | Forum |
| Alex | Bunting | Forum |
| Kenny | Donaldson | SEFF |
| Paul | Butler | RFJ |
| Sharon | Rodgers | Aftercare |
| Sandra | Davey | Aftercare |
| Irene | Lyttle | Aftercare |
| Francine | Curran | Lenadoon Counselling |
| Liz | Clarke | Forum |
| Jude | Whyte | Forum |
| Damien | McNally | WAVE |
| Anne | McCusker | REACT |
| Mitch | Bresland | Forum |
| Elaine | Johnston | Forum |
| Peter | Heathwood | Forum |
| Clíodhna | Geraghty | SARWN |
| Jim | McDonnell | RUC GC |
| Alan | Brecknell | Forum |
| Irene | Kerrigan | Forum |
| Errol | McDowell | Forum |
| Lee | McDowell | Forum |
| Luke | Moffat | QUB |
| Marie | Close | Survivorsof Trauma |
| Anne | Rowan | Survivorsof Trauma Healing through Remembering |
| Kate | Turner | Remembering |
| Ronnie | Agnew | JIVT |
| Pauline | Bothwell | Crossfire Trust |
| Ian | Bothwell | Crossfire Trust |
| Tony | Doherty | OPONI |
| Paula | Cunningham | OPONI |
| Michael | Mulholland | OPONI |
| Bernice | Swift | Firinne |
| Eric | Brown | SEFF |
| Trevor | Watson | SEFF |
| Hedley | Abernethy | WAVE |

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|----------|-------------|----------------------|
| Paula | Beattie | Contact |
| Iris | Elliott | NIAMH |
| Caroline | King | Contact |
| Patricia | McConnell | Lenadoon Counselling |
| Amanda | Kincaid | Aftercare |
| Chris | Symonds | HET |
| Maureen | Cummins | HET |
| Brian | McConnell | JIVT |
| Derek | Williamson | CCRC |
| Susan | Gibson | Derry Well Woman |
| Paul | Mageean | CCRC |
| Kathryn | Stone | CVS |
| Adrian | McNamee | CVS |
| Neil | Foster | CVS |
| Tina | McCann | CVS |
| Colin | Mounstephen | Deloitte |
| Kieran | McEvoy | QUB |