

Northern Ireland Affairs Committee

Oral evidence: [Work of the Veterans' Commissioner for Northern Ireland](#), HC 1183

Wednesday 3 February 2021

Ordered by the House of Commons to be published on Wednesday 3 February 2021.

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Members present: Simon Hoare (Chair); Scott Benton; Mr Gregory Campbell; Stephen Farry; Mary Kelly Foy; Mr Robert Goodwill; Claire Hanna; Fay Jones; Ian Paisley; Bob Stewart.

Questions 1 - 45

Witness

I: Danny Kinahan, Veterans' Commissioner for Northern Ireland.

Examination of Witness

Witness: Danny Kinahan.

Q1 Chair: Good morning, colleagues, and good morning, Mr Kinahan. As the relatively recently appointed veterans' commissioner, it is your first time before the Committee. It is very nice to see you again this morning.

Before we start, the segue being that we are going to be discussing veterans this morning, I know the whole Committee will join me in sending our thoughts, prayers and condolences to a great example of a veteran, Captain Sir Tom Moore, who very sadly passed away yesterday. What an example he gave to all of us and to future generations.

Mr Kinahan, before we invite you to make a few opening remarks of about five minutes, I need to remind all of us that, although this Select Committee oral evidence session is virtual, it is still a formal proceeding of Parliament. To that end, I need to remind all Members and you, Commissioner, that the matter of criminal charges against Soldiers F and B, Mr Hutchings, Mr Holden, Soldier A, Soldier C and Mr Downey, and all matters associated with the Ballymurphy inquest, are sub judice under the terms of the resolution of the House. Therefore, references should not be made to the detail of the alleged offences or any other aspect of the cases that remain before the courts. Our clerk, Mr Beech, will act as my senior legal counsel on that, although I am sure we are all cognisant of that requirement.

Commissioner, I know it is a huge brief with a lot to do, and you are passionately enthusiastic about it. If I could ask you to say a few opening remarks amounting to about five minutes, I am sure we will tease out an awful lot of the detail in the detailed questioning from my colleagues. The floor is now yours.

Danny Kinahan: Thank you, Mr Hoare, for giving me this chance to speak to everyone. I will try to quickly go through my points. I would also like to start by saying what a fantastic example Captain Tom showed us all. That is really the very essence of all veterans.

It has been a huge honour for me to be appointed as the first veterans' commissioner for Northern Ireland. As most you will know, I am a veteran myself, although I left the military quite a long time ago. I then went into Shorts and then Christie's, and then into politics, which I am now completely free of and away from. I was appointed by the Secretary of State. It is a three-year appointment. It is part-time. I have two full-time staff and we have a budget of some £700,000 to run the office and do all that we are doing for those three years.

We think there are about 150,000 veterans in Northern Ireland. Some 60,000 are Ulster Defence Regiment or Royal Irish, and there are some 10,000 Royal Navy and Royal Air Force. In the rest of the Army, there have always been large numbers from Ireland and Northern Ireland who have joined the military. It is also worth pointing out that we know that



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there were some 300,000 military who served in Northern Ireland and live on the mainland now, who should not be forgotten.

I am also always keen to try to get across that the military and veterans represent all of society. They come from Northern Ireland, Ireland, Scotland, Wales and England. We think that there are some 10,000 in Ireland at the moment but there may be many more. Having reached out to them at the weekend, I am getting a large number of calls from veterans in Ireland, which is wonderful to see.

I can now start trying to work on how I get the message through to everyone. We sent a letter out this weekend via every charity, regimental association and community group that I can find, to try to find veterans. I do not have a database but I need them to know that my office exists and that it will work with the veterans' support office in Belfast, which also has three staff. We are there not just to be the voice of veterans but to make sure that their needs are met.

It was good to see the Armed Forces covenant in last week's Armed Forces Bill coming up in Parliament, as it is absolutely key that health, housing and education, and many other matters, are properly dealt with and that veterans here in Northern Ireland and in Ireland are looked after properly. I would like to thank the Secretary of State for Defence, Ben Wallace, the Secretary of State for Northern Ireland, Brandon Lewis, and Minister Mercer for keeping me in the loop and talking to me so that we can discuss things, sometimes quite strongly, and continually listen to each other. It is very helpful. There are one or two things that are not in the Armed Forces covenant that we will touch on, like the railcard, but I hope that that will come up in questions.

I am working with all charities and groups here. I have had some 120 engagements talking to people. The most important message that I am getting from them is that everything is very top-heavy. Veterans feel that all the organisations are very top-heavy and often forget the people on the ground. My job is to make sure that they know exactly what is available to them and that they get it when they need it. Somehow, I have to massage all the different groups into working better together.

Mental health is huge. My role started off with the very, very sad case of Brett Savage taking his own life, which highlighted the number of suicides that are in the Armed Forces and the problems with PTSD. I have set up a committee where we are talking to all the delivery points on mental health and trying to find a simple way of making sure that the message is there at the bottom, that they all know exactly who to go to for that help, and that they are then constantly looked after.

Legacy is going to be huge. I know that it will keep coming at us, with all the different cases that are bubbling away. It is my job to try to help find a way through it and I have publicly said that we have to find a middle way. I really want to hope that we can hold the Government to its fair, balanced and proportionate promise, because we have to look after



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veterans. They served the whole of the community. They were there protecting all of us. Many of them have given more than you would expect; not just their lives, but their whole way of life is now completely checked by having to work within the security and within the awful things that happened to them in the past. I want to see veterans up there, being treated as importantly as the families of the victims and the survivors, because veterans do not see themselves as victims. They were serving and doing their duty.

The one major area that we need to really look at is pensions, and particularly war widows' pensions, which I know have come up in Parliament in numerous cases. I would love to see that taken up by the Committee. Within pensions, we also have a whole load of other difficulties and problems with what pensions veterans did not get or where they felt that they were hard done by. There is a whole mass that needs to be looked at, and I rather hope you will go into that in questions.

That was a slight gallop through all my points, but I really am hoping that the Committee will look hard at giving veterans a platform, because there are very many veterans who do not have a say, and that it will also take up looking into the pension issues. I feel that many of those who served here, and particularly those who served in Op Banner, gave everything. There is the old Kohima epitaph of, "For our tomorrow, they gave their today". Many of them are still struggling with their lives. They gave everything, but they are not respected. They want to be respected, they want their stories out there and they want whatever other veterans across the UK have been given. We have a major task to do. Chair, I hope that that is a fairly good but quick summary of my role.

Q2 **Chair:** Commissioner, thank you very much indeed. I have three quickfire questions. First, could you just update the Committee on your office's involvement with and the status of what we will colloquially call the Lambeth Palace process or initiative?

Danny Kinahan: On the Lambeth initiative, if you wish to call it that, I was very pleased to be invited. I had met Reverend Harold Good and others in the past in my previous roles, and I was asked to go to Lambeth Palace to discuss, in an academic set of principles, how we could go forward with legacy.

I went there to find that an awful lot of groups were not represented. There were some very good, strong people there but, to me, it seemed that there were many more that should be there from the victims' side, the veterans' side and the Government side. It opened the door, though, and we should be aware that there were many people there who do want to find a solution, which fits with what I want to do in finding a middle way, but we have to listen to everybody.

As to where it is going, it is in limbo at the moment. The door is still open as we look to include everybody. I do not know whether I would be



included in it in the future, but where it has left us is that the onus is on all of us to try to find a way forward. Reverend Good's push is that the whole of society needs us to find a solution to legacy and to find a way forward, so that it does not stay with us well into the future. If you stick with that one aim within legacy, it makes us all focus.

Q3 Chair: I am very grateful to you for that. Can I ask you to briefly set out your stance with regard to the thorny issue of total amnesty? There are some who advocate total amnesty; there are others who say justice must run its course and must be blindfolded throughout the process. For the record and for clarity, could you give us your stance as Commissioner on that issue?

Danny Kinahan: My stance as the Commissioner is that we need to find a way forward. I have a large number of veterans who do not want to see any amnesty whatsoever, but most veterans want the past put behind them and would like to find a way forward. Everyone has a mass of red lines out there, but all those red lines stop us finding any way forward. If you are looking for my stance, I want us to find a way forward. It may mean that we have to find variations to how we do it. The rule of law must be followed and I stand firmly by that. However, we have already, in many people's eyes, let many people off who were involved in the Troubles.

My feeling is that we have to go in there ready to see if we can find a way through, which may mean something that, to some people, looks like an amnesty. To others, it may look like a limitation. If we want to put this behind us, and I think society in Northern Ireland does want us to put this behind us, it is our duty to try to find a way forward.

I am not for an all-out amnesty. I am not for stopping anyone finding out what happened. Lambeth opened the door and you could see the idea of looking after families and survivors. I want to get veterans up there as that group, because they are very much part of it. We all need to sit down and find a way forward while not playing politics with it. That is the hardest side.

Q4 Chair: Commissioner, it is a big job. You mentioned your budget. In terms of support staff—people to work alongside you to help your initiatives and to deliver your programme—are you adequately resourced or are there gaps that need to be filled?

Danny Kinahan: That is a very nice offer of a question. I am adequately resourced. I know I cannot do my role part-time. I will use every hour of every day to do this job properly anyway. I have a staff of two, both very able, and only time will tell. If there is an area that is missing, it is probably having legal advice and being able to stand up for veterans with more of a legal power. It is not my office's job but, at the same time, I need someone to do it, to hold everyone to account for what is written either on social media or in the media, and to start defending veterans.



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Q5 **Chair:** It would be a veteran's advocate-general working under your organisation.

Danny Kinahan: He would have to be independent. It is needed because it looks as if everything is very one-sided from a veteran's point of view.

Q6 **Chair:** Is that something you have discussed with Ministers?

Danny Kinahan: I have raised it quietly, but I have not gone in full strength with it because I really want to get involved in this job and to look at the needs of veterans on the ground first. It is something that sits heavily on my shoulder, knowing that I need it there.

Q7 **Claire Hanna:** I would like to associate myself with the comments about the late Captain Tom, who was a decent and inspiring man. In particular, his focus on the health service over the last year improved morale for many. Commissioner, what do you see as your main role as veterans' commissioner, including the services that you hope to be able to provide?

Danny Kinahan: My main role is delivering the needs and making sure that veterans get everything that they are due. That must always be what I am working on. I am their voice, but I know that if I speak loudly and noisily, I may not get things delivered for them and I have to keep that in mind. It is about ensuring that their health and housing needs are looked after. I discovered one the other day, who does not have a home, sleeping in a car. Single men are not well up the list to get housing. We also need to make it safe and secure.

In health, there are masses of problems for those who served—not just PTSD, but many have aches and pains, and some of them really severe. We have a health service with a four-year waiting list in many cases. We have to get something in place so that those people who served for us get their operations and get looked after. I am just touching on it, but the key role is helping them and making sure that, wherever they go to ask for help, they get that help immediately.

Q8 **Claire Hanna:** Has the pandemic influenced or hampered your work as you have been starting?

Danny Kinahan: It certainly has. I would love to have gone out and met many more veterans. If I went to meet 30 in a group, I would get there and there would be three of us in a room, all socially distanced and all in our masks. I would know that I was listening to the team that runs the group rather than the individuals. In time, I want to be able to get out there, sit down with veterans and really find out what individuals feel, as that is absolutely key.

At the same time, we know that there will be many veterans, because 63% are over the age of 65, who do not know how to use technology, do not have Zoom and cannot talk to people. We have huge issues sitting out there and Covid is probably going to make things worse. We also



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know that Covid is going to bring many other mental health problems for the rest of society, and I have to make sure that veterans are up there.

Q9 Ian Paisley: Could I too be associated with your remarks about Captain Sir Tom Moore? Could I also use the opportunity in the House to express solidarity with Stephen Farry and Jim Shannon, and disgust over the graffiti attacks on their property? These are criminal attacks that have to be condemned.

Mr Kinahan, if you had a blank sheet of paper and could write down what you hope to achieve over the next period of your commissionership, what would the big headlines be?

Danny Kinahan: The first thing, which is in the middle of what I am doing, is trying to get a message out to every veteran that we exist and that we are there to help. Because I have no database, that is particularly hard. Every charity, community group and regimental association has a database, but veterans have often gone on to other things in their lives and have not kept in touch. The first thing is to make sure that I get there and that they know I exist. The second is then to make sure that every point to which a veteran can go to ask questions knows exactly what is available for veterans. Whether that is the Royal British Legion, Andy Allen's group, MAPS or MUVE, every single thing that can be offered to veterans should be available.

We are halfway through doing that at the moment, in that I have been around every council. Every council has a veterans' champion and we now have to make sure that they have all the right contacts. Liz Brown in the veterans' support office is doing the same and trying to have hubs in every town, whether it is British Legion or groups like the Ely Centre, SEFF, MUVE or MAPS, to make sure we have someone everywhere who knows everything, and then it is about massaging all those groups together. That is this year's role, with legacy coming into that all the way through, but it is about getting their needs met. Next year, I will start sitting down and looking at the long-term plan for how we make it all work.

Q10 Ian Paisley: This is an ambitious programme and something that you will be marked against. I am sure there are other issues that will arise. You mentioned in your opening comments the issue of the war widows pension. What is the solution to that? Is there a short-term fix that can get us over the line? What are the costs?

Danny Kinahan: I am trying to find out on both of those questions. We know it was raised in Parliament particularly in Prime Minister Cameron's time, and they were looking at options. I am trying to find out what those options were. Can we look at lump sums? Is there something to help them for the past? Can we start them off on a pension from next year or this year? Most of all, it is about working out the numbers. I do not have costs. I have had figures thrown at me that it would be something like £90 million, if we were to do it properly, but we do need to look at them.



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There are mothers who could not remarry as it meant losing income, because they had four or five children, and there are others who did marry and then lost their income.

There is a whole mass of issues from the UDR and Royal Irish getting payoffs and not pensions, and now struggling later in life, right through to a simple matter, in that they do not tell you when your pension is due. I am 62 and last year I discovered that I could have got my pension two years ago. No one had told me. If you think about how many are out there not knowing what is due to them, we need to change that attitude and make sure that every veteran knows what they are due and then gets it.

Ian Paisley: I suppose it is reassuring to know that you do not look a day over 60.

Chair: You silver-tongued charmer, Mr Paisley.

Q11 **Ian Paisley:** Ninety million pounds does not sound a lot of money to fix a major issue, and to give people credit and support where credit and support are due. How strongly do you believe vexatious claims will feature in your work?

Danny Kinahan: Vexatious claims are really hard. Focusing on the word "vexatious" does not help, but it is more that veterans feel they have always been hard done by and they have watched many who have committed terrorist acts being let out. In one case, I was talking to someone and asked, "Do you know who shot you?" He said, "Yes, he is now in the Assembly". We have moved on from all of that, but they see so many things working against them. They see cases coming up. There are 231 military cases coming our way. We must not give up the rule of law but, at the same time, they see it as one-sided. There are many other things. The funding seems to go the other way. Everything seems to be working against them. That is why they see it as vexatious.

We always see the figures thrown at us of 90% being terrorist activity and the rest being state, yet when you look at the cases coming through at the moment, 30% are state forces. Of course, the state kept records and we know that the other side did not. Not only did they not keep records, but they have a code of honour that they will never tell anyone what they have done. The whole thing looks lopsided and that is why the word "vexatious" comes into it. There are many who continually blacken the image of state forces and it is one key point that veterans have made to me all along.

They want to be respected for what they did. They went out there on behalf of all of us. They took huge risks and are still taking huge risks, but they have been demonised for doing it, and that is where this "vexatious" word comes from. They want to be seen to be up there, being looked after and being respected for what they did. They totally accept that those within their own ranks who did wrong should be punished, but it has to be fair and proportionate.



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Q12 Chair: Who should adjudicate whether something is vexatious? Should it be the courts, a Minister, a commissioner, a tribunal or a senior retired judge?

Danny Kinahan: You suggested all sorts. That is part of trying to find the middle way. At the moment, the court system and the PPS system do it their way, and they are doing it perfectly fairly. The perception from many veterans is maybe that it does not work, which is why we have to find this middle way. The different things you have suggested are all up there to be found. Everyone has a different view of who is independent, but, if we are going to find a way forward, we have to find someone or a few people we all trust to work together.

Q13 Chair: It was not an exhaustive list but I gave you some examples. What would your personal preference be? What would you advocate for as the way of doing precisely what you are seeking to do: namely, to command the widest possible trust and to support closure?

Danny Kinahan: It is an incredibly difficult question to answer.

Chair: I know. That is why I asked it.

Danny Kinahan: It is either one or three. You are trying to find someone who fully understands what happened in Northern Ireland, so who has a really good picture of what was going on during the Troubles. He understands the context of all the cases and what is going on but he is independent; he is probably from within the UK but he has to understand it and be able to distance himself from it all. You are looking for someone with a legal mind as well. My feeling is that you probably cannot have one; you probably need three, and therein lie a whole load of arguments if you are working with three. We need to sit down and work out just how we do it.

Q14 Chair: I am not necessarily known as a congenial champion of political correctness or anything else, but I presume that you could see a woman doing this role. You said that "he" would have to have the experience and "he" would have to be, but a woman could do this equally well.

Danny Kinahan: Absolutely, I apologise for that. Of course, it could be absolutely anyone. It could be three women, as far as I am concerned. I want to have the best there, so that it works.

Q15 Stephen Farry: I would like to thank Mr Paisley for his comments on what happened to my office and that of my colleague Mr Shannon in Strangford. I just wanted to row back to a comment that Mr Kinahan made and to drill a little deeper into it. It is about the problem of the collection of data and how, at present, you have to go round all sorts of regimental associations and other bodies to try to assume that. These are concerns that have been made UK-wide.

Could you reflect a little more on what the MoD should be doing to try to rectify the situation in terms of trying to put together a database of veterans? As people continue to sign up for the various services, how can



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this be rectified going forward, so that the mistakes of the past are not going to be there for future generations?

Danny Kinahan: It is my biggest problem. I know that the Office for Veterans' Affairs is working hard to try to find a way forward. There are certain angles to the database, though. Veterans themselves are nervous about any database being insecure and being something that can go out to the public. At one end, they are very pleased to know that it is difficult to get hold of them. At the other end, though, if we are to offer all their services, I need to be able to send messages to them. Every single regiment should know who served in their regiment and where they went. The trouble is that they may have moved on.

The pension system, which I raised with Minister Mercer's office and others, is there and does send out information to veterans, once they have logged on to get their pension, but no one is there looking and telling them when they get their pension. Those who did their time properly, so the full pension time, are all known. It is people like me who did shorter, have fallen out of the system and have a preserved pension. The information is there but you need it in two ways. You need one secure system using all the links of everyone who served. You could probably do it through national insurance numbers. I have gone down every angle and, for most of them, GDPR and other things make it difficult. We need to find a way forward.

That takes me to the other end of this, which is to use all the organisations that talk to veterans and to get them to put the message out, so that we continually have a good publicity campaign working through every group. Northern Ireland voluntary groups are also putting messages out for me, so I am not going just through veterans' charities but through every single different group. It is about working that way and talking to people as the needs are there. You can meet it from both ends, but there is a huge difficulty. I am putting pressure on Ministers to find a way forward, but it has to be secure.

Q16 **Scott Benton:** Chair, may I also be associated with your comments regarding Captain Sir Tom Moore and pass on my condolences to his family? Good morning, Commissioner. How will you build trust and engage positively with the veterans' community across Northern Ireland?

Danny Kinahan: That is a good question. The only way is to keep going and meeting with them as much as I can. It is to keep the message going out on social media and through all the charities, but to be available, keep travelling, keep going and seeing them, and keep listening to them. Covid makes it extremely difficult. It is about searching to find every group. In some cases, working with the veterans' support office, it will be about trying to create groups where they do not exist. Most of our groups tend to be around the border and those areas, and yet Belfast is where most of our public are. I need to build on what we have in Belfast and then ensure that they all work together. It will be just a continual



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campaign and one that I thoroughly enjoy as I meet the veterans doing it.

- Q17 **Scott Benton:** Your role relates specifically to Northern Ireland but many of the challenges faced by veterans are very similar to those in Great Britain as well. Are you working in conjunction with Armed Forces' and veterans' organisations in Great Britain on those areas of common interest, for example, the 300,000 servicemen you mentioned who live in Great Britain but who served in Northern Ireland? Will you be working to make sure that they are not subject to the cycle of vexatious prosecutions, for example?

Danny Kinahan: I will be working with all the groups. I talk to the Scottish veterans' commissioner every six weeks or whenever we need to. I talk to the leading organisations and charities, whether it is the RAF Association or the Royal Naval Association. I talk to the veterans' offices. The OVA has set up an advisory committee, which I am on, so I am talking to everyone from Scotland, England, Wales and everywhere else. It is vital, particularly with those 300,000, because all the matters that come to me are just the same for them. In fact, they are the same for those in Ireland as well.

I will talk to colleagues in the police and in the other security services who have the same issues, because it will all be working together. It is a huge task but, equally, I need the MPs and the Lords to also make sure that they are looking after their veterans and that we all link up.

- Q18 **Fay Jones:** Good morning, Commissioner. Of course, I echo the comments expressed about Captain Sir Tom Moore. I will not go further than that, in case I start to cry again. I need to declare an interest in that some of the questions I am going to ask are about the Armed Forces covenant. My partner's mother is the chief executive of the Armed Forces Covenant Trust. With that said, can I ask you about your relationship with the Northern Ireland veterans' support office? How do you work together in promoting and supporting veterans' interests?

Danny Kinahan: I work with the veterans' support office all the time and we talk to each other, if not daily, two or three times a week. Liz Brown's initiatives have been extraordinary. She has been doing it all herself for years. She now has two staff. She will work on delivery and I will be much more on listening to the issues, deciding on the policy and briefing people like you and others. I see it almost arm in arm. She is there with RFCA. There is a statutory role in there, and I always have to remember that they have a statutory role but I do not. I am a free agent in the middle of it all.

We will keep talking, but we also need to talk to all the different groups. For example, this weekend, in talking to RTÉ, I have had probably two dozen requests from veterans in Ireland looking for help. I either pass them straight to Liz Brown's office for her to help find out how we help them and what the best groups are in Ireland, or I go to SSAFA, the



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Royal British Legion or the benevolent fund. It is about all of us working together and talking all the time.

Q19 Fay Jones: You mentioned the railcard in your opening comments. Could I ask you to expand on what you mean by that and how you would like to see that operating?

Danny Kinahan: I am very glad you raised that. There are three matters that veterans get on the mainland: the railcard, a promise of an interview with the Civil Service, and a break from national insurance for the first year, if you set up a business. None of that is in the Armed Forces covenant. Veterans in Northern Ireland do not get the railcard as part of the legislation that is coming through. I will have to work hard. For example, in Northern Ireland, the railcard has been raised. Mr Campbell and others have raised it with me to find out if we can get it in place in Northern Ireland.

In Northern Ireland, everyone over 60 gets free transport anyway, as well as those who are disabled or have other needs, so it is a small number. Partly because of Covid, I have not managed to sit down with the Minister, although we have talked about it. I have to find a way to get each one of those put in place. In most cases, I have worked with most parties in most areas. We can get things in place but it will just take time.

Q20 Chair: We will get our clerks to send you the transcript, but it was an issue that we raised with the Secretary of State when he was before us the other week. I am afraid that I do not have the *Hansard* extract in front of me but, from memory—and colleagues will correct me if my memory plays false—he gave the very clear undertaking that the rights and benefits of the railcard would be available to all veterans, including those in Northern Ireland, in exactly the same way as in England and Wales. We will get you the transcript, so that you have some evidence to rest the case on.

Danny Kinahan: Thank you very much. I had missed that, so thank you.

Q21 Fay Jones: I wanted to ask about the Armed Forces Bill that has just been published and has its Second Reading in the House next week. It has implications for the delivery of the Armed Forces covenant in Northern Ireland, which has sparked a bit of tension over the last few days. I wondered if you might just give us your thoughts on the provisions in the Bill as drafted at the moment.

Danny Kinahan: It does have its difficulties, if I put it that way, to get it through in Northern Ireland. We wait for a legislative consent motion to be put forward by the First Minister and Deputy First Minister within 10 days. I am not aware of it having happened yet. It then could be put forward at Stormont by any Member. Again, though, I would rather that is not the case; I would like to see it going through with every political party signed up to "New Decade, New Approach", which included the Armed Forces covenant, so no one should be saying no to it.



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Then you get to the difficulties of what wording is included. I have had a chance to discuss things and we are still not there. It is up to all of you in Parliament. I want to make sure that veterans have no disadvantage in Northern Ireland, so that they get everything that veterans are getting on the mainland. There may be some complications. Some will be better not publicly; it would be better if I work quietly behind the scenes with people. As long as the Armed Forces covenant is there and it is no disadvantage, there is not a problem.

What concerns me is where we might need a slight advantage for veterans; for example, I have had two recently who need operations. They are in their late 50s or early 60s, having been badly hurt during the Troubles. They need operations now and there are many more who need that. Somewhere in this legislation, we need a way to give people a leg up, but how do you do that if there is to be no advantage?

At the same time, I recognise that masses of civilians will also have operations, so we have to get the health service up and working. I would like them to be able to be referred, to go to Oswestry or across to the mainland by our health service. I have met with the Health Minister and he has a liaison committee that is going to be set up, so that we are talking all the time, but Covid is the key issue at the moment. There are issues and difficulties with the Armed Forces covenant, but if I ask everyone not to play politics with veterans, and just to help them, what we manage to do, say, in mental health will benefit everyone because you then extend it to the rest of society.

Q22 Ian Paisley: The Armed Forces Bill is very important and has its Second Reading next week. Commissioner, can you be clear with us: do you fully support it? Do you call on all Members of Parliament to support it? Do you want to see any amendments to what is presently on the draft Bill?

Danny Kinahan: I fully support the Bill. I would like, as you have suggested, all MPs to support it. I would like them, if difficulties come through the wording, to find a way forward and, rather than block it, to come up with suggestions as to how I can make sure that my veterans are looked after, so that their health needs and others are addressed. I am not aware of there being a difficulty. What is always sat at the back of my mind, though, is that if Stormont were to fail again, I do not want to see veterans not being looked after. I have always been keen that there is some way there that Westminster can make things happen, so that they are not left behind. That is not really in the Bill at the moment.

Q23 Ian Paisley: To avoid playing politics on this in the future, I just need to be very clear that you are not putting forward or asking for any amendments. You agree with and are supportive of its current language and its various clauses.

Danny Kinahan: I need to go into it in further detail again to work through it. If there are changes, it really will depend on how things have played out in Northern Ireland in the future. I hope that none are needed.



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If we end up with it being used as a political football, there may have to be different ways of doing things, in which case the wording may have to be changed. I hope we will never get there but it is a really difficult one.

- Q24 **Ian Paisley:** That is its operation on the ground and after it passes the House, which I would say to you is a separate matter. On the issue of what we legislate for now, is there anything that we need to put in it that currently is not there or is it complete, in your view?

Danny Kinahan: It is not complete because of the matter I have just raised. If Stormont is going to fail, there needs to be some way of Westminster ensuring that veterans are looked after. There are also possibilities of how special consideration works within it. I am not totally comfortable with all the wording. We have to find a way forward that is acceptable not just with all the MPs but with Stormont, and one that works. It is not just a case of how we work it through in the future in Northern Ireland because, if you create a battle now publicly, it can then knock it back into how it works in Northern Ireland. We have to quietly work away.

- Q25 **Ian Paisley:** Do we need an “if Stormont fails” clause, essentially? If there is a problem with delivery in Northern Ireland, we need a clause that addresses that, in your view, which is absent. On special consideration, can you spell out where there might be deficiencies?

Danny Kinahan: There was talk of special consideration, and I do not have a full understanding of all the words in it yet, but special consideration was that, if a veteran really had urgent extra needs, it should be possible to move them to some other part of the health service to get things earlier. That creates difficulties because it means we move away from no disadvantage, which is why the wording is so careful. Do we change that into a permissive clause and leave it with Stormont or do we leave it with Westminster? That is why we need to see the reaction to it—what is happening in Northern Ireland—and then find a way through the clauses.

- Q26 **Ian Paisley:** When I spoke to him last week, Minister Mercer was very convinced that the issues of no disadvantage and special consideration are solved. He believes it is complete in that way. Are you saying that there is a difficulty there?

Danny Kinahan: I do not think there is a difficulty, but I am not putting my hand on my heart and saying that there is not, because we have a way in Northern Ireland of finding problems with things when they did not necessarily exist at the beginning. I have spoken often to Minister Mercer. He thinks he has it there and I think he has it there, but we need to be careful as to how we do it.

- Q27 **Chair:** I am going to ask a really important point about the pessimists’ amendment: the collapse of Stormont. We all saw on this Committee the huge gap in the delivery of public policy that those three years of Stormont not sitting generated. Everybody is now doing best endeavours



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to run to catch up. Just to clarify, you would like to see an amendment to the Bill. Unless there are reserve powers in some other piece of legislation that Ministers could rely upon, and in the absence of such a reserved power, you would like to see a very proactive facing into, "Were Stormont to collapse, the provisions of this Bill will be delivered by Westminster rather than by Stormont". In essence, is that what you are asking for?

Danny Kinahan: Yes, it is. It is vital. I am the voice of veterans. They need to be looked after. If Stormont collapses, there is always the chance that veterans will not be looked after.

Q28 **Chair:** I am sure members of this Committee will give some thought to how we may be able to help tease out that information or, indeed, to deliver it. Can I turn to what my notes tell me are the Government's new proposals for legacy? Bearing in mind that they came out in March, that probably stretches the term "new". Could we ask for your reflection on your engagement with the NIO on its proposals as set out in the written ministerial statement and your views on the status of Stormont House?

Danny Kinahan: Remember that I was put into this role only in September, so there is already quite a gap between March and September. I have not formally had any discussions on this matter. It was touched on in my interview and my appointment.

Q29 **Chair:** Have you tried to set it up and been rebuffed, or has it just not got to the top of your list yet?

Danny Kinahan: It is mainly because of Lambeth House. We have had talks that way, but I have not had formal talks on legacy. I have been in continued talks on how we help veterans have their needs met. I have not been talking formally, but I have been around every single group and, yes, legacy comes up, whether you are talking to victims or to others. It is all there but there have been no formal meetings, although I have had plenty of meetings in different directions.

Q30 **Chair:** Many have argued that the written ministerial statement undermines the principles set out Stormont House for dealing with these matters. What is your assessment of that?

Danny Kinahan: I am veterans' commissioner and am no longer in politics. Veterans want the past put behind them. They want to be respected and to stop being demonised. If you start with that as your role, that then lines us up for wherever we are going. There are a lot who do not like the Stormont House agreement in its entirety; however, there are various points in it that can work. The way that the Secretary of State moved it on meant that he had been listening to veterans' groups and others. If you look at where Jon Boutcher was trying to move things to, with it being family-orientated, where we are looking after families, victims and survivors, there is an open door there. The Secretary of State and others were recognising that that is the way we were going forward.



There are huge costs in going through every case into the future. There are something like 92 tonnes of paper. You have to retrain people. You have to investigate everything. It could take between seven and 15 years to investigate every case, and that is before you get to the legal battles that happen, yet we are sitting there with victims, survivors, veterans and their families all needing help now, so we need to find that middle way. The Secretary of State was seeing that and offering a different way forward. Lambeth was proposing a different one again, but the door is open and we all have to get in there and find that way of doing things that looks after families, veterans, survivors and victims.

I will go back to something that I am not sure I have made clear. Veterans do not see themselves as victims. They may well be victims and, talking to WAVE the other day, I was told that about 30% of victims are veterans. Because they are servicemen, veterans are used to keeping things to themselves, battling through life and taking on the challenges, without coming back and asking for help. I need to make sure that veterans are seen up there along with victims and survivors.

Q31 Chair: There is a bit of an ebb and flow on this but what is your view in terms of having—and I do not use this term in a pejorative sense—an arbitrary cut-off point: “Make your case and make your claim for an investigation by X date; after that, it is no dice”?

Danny Kinahan: I know that this ebbs and flows, as you put it. It is a really difficult one because I know that, if I talk to the victims, they feel that they can have some form of satisfaction in their lives only if something is fully investigated, but we also know and have been told that many cases cannot be investigated, that we will not find much information out and that, in fact, they will not get to prosecutions. Again, we come to trying to find that middle way.

As for a cut-off point to make people concentrate and look at things more quickly, there must be cases that cannot move any further and that can be cast aside, and there will be others that cannot. At the same time, the door will always be open for people to take their own cases. There is a date that could be looked for and we do need to put the past behind us, but we must not forget all those who want to know what happened to their families and loved ones. In certain cases, there will be one or two who really need justice and must get justice, but it is a really difficult one. I do not know what the date is but it would be a way of focusing minds.

Q32 Chair: This is something that has frustrated all of us on the Committee and, indeed, more widely. There is the override of Covid, but certainly the Secretary of State moved things on, both on the Floor of the House and at the Committee either last week or the week before, where he has committed to having concluded his consultations and then put into the public sphere his route map to go forward by the time the House rises for this summer recess. We were keen to pin him down that it was this summer recess, not 2022, 2023 or 2024. Is it helpful to have that and



will you be keen to keep the pressure on the NIO and others to make sure that it is met?

Danny Kinahan: Yes, we are keen to keep the pressure on but it means that we have to get out there, talk to everyone and find the way forward. Going back to that middle way, we have to try to find it and help him. If legislation is coming through, it makes us focus minds. I am keen that veterans are protected and helped but it has to be something that society can live with.

Q33 **Chair:** The practical person will always operate under the dictum of, "If it ain't broke, don't fix it" and "Don't reinvent the wheel". All of us on the Committee have been incredibly impressed by the work and the approach of Jon Boutcher. His modus operandi seems to be commanding cross-community support in an area where that is often thought to be impossible. What is your assessment of Boutcher and what would your hopes be for the replication or continuance of his work to deal with these historical and thorny issues?

Danny Kinahan: What a difficult question. I admire Jon Boutcher for what he has done and for showing us that it is the truth that matters to families. There is a nervousness on the veterans' side that it focuses mainly on the families of victims and forgets the families of veterans, and that it all seemed to be focusing on state forces. The same focus needs to be on terrorists and everyone else all the way through, and then it can move forward.

If you really think about it, if we had not changed the rules and various things, the PSNI should have been able to carry on doing this at the time. I know that the present head of the police here would like someone else to be doing it because it takes such a great chunk of his finances, but in there we have changed the system so much that maybe Boutcher's way forward is the way forward.

Q34 **Chair:** The resource in terms of money, investigative detective powers and court time and so on could just take us beyond the point of being able to deal with everything in a timely way, given the gap between event and now, and people are getting older.

Danny Kinahan: You have got that absolutely right. We need to ask the question of how much it is going to cost. We have had everything from £150 million being put aside to others who think it may even go right up to £1 billion. When you look at the Bloody Sunday inquiry and others, the costs can be huge.

When we are looking for that middle way, we must keep the cost of it all in place and remember that spending that money looking after the families, victims and veterans, and everyone who was involved, is probably money better spent. It has to be the driving force. I know that we probably need to find out from Jon Boutcher how much he thinks it would cost if you were to move it all and do it his way, but equally we



need to talk to the PSNI and to all the others. It is very much the driving point behind what we do in the future.

- Q35 **Chair:** I do not like using the language of “sides”, but if one presupposes that there is a percentage on both sides of the argument who are irreconcilable to whatever evolves from this process, principally because it suits them never to be reconciled since it just keeps debate and tension going, is it a sensible overarching principle of the Government, when they approach this issue, to have at the forefront of their mind at all times the reduction, as far as one possibly can, to that percentage of irreconcilables on both sides, to command the largest bit of the centre ground, where people can say, “I can see this works; I can see this is fair; I can see this is how they have arrived at that process”?

Danny Kinahan: That is the right way. You have to get as much of that middle ground working together. You will never please everybody. The system is broken, as you referred to it. It does not work. They are, in most cases, elderly and are not going to be here forever. Society wants us to move on and we have to find a way of doing it. The failsafe was the previous Northern Ireland Attorney General saying that they can always take their own private court cases.

For those for whom it does not work, there always has to be a failsafe through the court system anyway. You are absolutely right. It is about finding that middle ground and being able to then just say to the more militant ends on either side, “I am sorry. This is where we are going”. We have to do something. We cannot just sit back and let everyone go on existing in misery.

- Q36 **Chair:** You would agree with me on the point that, the longer this goes on, the more the seed of bitterness and resentment is sown within generations that do not need it and should not have it, which acts as a fairly substantial brake in making meaningful progress. The quicker we get this done, the quicker the story and the issue can be addressed. It does not have to be part of the oral history tradition from generation to generation.

Danny Kinahan: We hope that that will be the case. If you back through Irish and British history, you will find that there is always someone somewhere, sadly, who stirs the pot to bring it back again, but it falls on all of us to find that way forward that tries very hard, so that it is not there in the future. You are absolutely right. It is our duty.

- Q37 **Mary Kelly Foy:** Good morning, Commissioner. Continuing with legacy issues, you have touched on this, but, of the veterans you have engaged with, what has their response been to the Government’s new proposals for legacy? I note that you have stated that veterans have a key role in shaping future proposals. Have they been sufficiently engaged with by the Government on their plans? As the voice for veterans, what are their thoughts on this issue?



Danny Kinahan: That is an excellent question. We have not engaged enough with veterans. Those who I have spoken to are virtually all behind the way the Government were going forward. There will be some who really want to make sure that every terrorist goes to court at one end, and those who just want the past put behind them, to get on with their lives and to have a line drawn. We have never really asked veterans. I know that you have had some veterans in your Committee, but there are many more. The voices you have heard are probably what veterans feel but there is no easy way of talking to them all.

If you go through regimental associations or charities, many have moved on. Also, in the military, you were told not to be political. You kept away. Even right the way up to the top of the MoD, there is this angle of not getting involved in politics. Many of them have just shied away and we need to find a way of asking veterans. I have been working on a questionnaire that I can use with veterans to try to find out what they feel about the various options, what the Secretary of State or Lambeth and others want to do. We do need to find out but it is very hard. There is talk of 4 million veterans in the whole of the UK. They are all mates and friends, and they have served in the same regiments. They are all part of that big empathy of the military. We need to listen to them all and find ways, and I am afraid it falls back to some of you as MPs and others to try to find out in your own areas, please.

Mary Kelly Foy: That is very useful. It is good to know that you are finding ways of reaching out and engaging with them, and I wish you all the best with that.

Q38 **Bob Stewart:** Major Kinahan, what things should the Government be doing? I know that you know this answer, but what steps should be taken by the Government to ensure that investigations that have happened time and time again into former security personnel do not keep being repeated until these poor devils are nailed down into a box?

Danny Kinahan: I am keen on what they are doing. It needs tweaking. Through speaking to Mr Mercer and others, I know that they too want to find a way of putting the legacy behind us and that it is doable. We then need the Government to really concentrate on finding a way to resolve legacy. I know that most veterans would like to see all cases stopped and ending, but, everywhere I go, the rule of law is absolutely at the back of veterans' minds. They want to make sure that anyone who did anything wrong goes to court. We have to find the middle ground. The Government are on that page. The Lambeth meeting showed that the door is open to finding a way forward.

It is about making it happen quickly but, at the same time, starting to look after veterans and pensions and so on. If you get all those things in place, you will have a much happier world for veterans who will be able to live. Knowing that there is not going to be a knock on their door next week or next month will be a whole matter taken off their minds.



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Bob Stewart: I totally endorse that. I endorse the fact too that a veteran who has committed a crime should be investigated and should be charged if that crime is proven, but when do they get off the hook? The worry is pursuing people until they are dead when they have been investigated. That is the point. You have got the point and the Committee has got the point. Let us just hope we can find a way forward. It is extremely difficult.

Q39 **Mr Campbell:** You are very welcome, Mr Kinahan. I am particularly pleased that your office has been established, as well as the Armed Forces covenant, which were two planks in my party's campaign to get NDNA over the line. That is progress. Given the issues that we are talking about in terms of legacy, I have looked at the figures. Even though we had a Troubles period of over 25 years, the majority of people who died during the conflict, as it was sometimes described, died between 1971 and 1976. That is 50 years ago.

We are talking about coroners' inquests, potential court appearances and a whole series of relevant events and incidents. We are talking about times that anybody under 60 in Northern Ireland now has no recollection of whatsoever. How important is it that wider society grasps the context in which veterans were operating at the time, 50 years ago? Very often, in coroners' inquests and court appearances, it is simply a repetition of what is stated to be the fact—who went where, what happened and when the shot was fired—rather than giving the context in which the operation was held.

Danny Kinahan: Context is critical and you are absolutely right to raise it. I have raised it when talking to the PSNI and, of course, they feel that the courts have to focus on the facts, and the lawyers and others will bring the context in. If you go back to those early years in the 1970s—one person showed me the headlines of all the papers from those key months—it was not just one bombing or one shooting; there would be seven or eight events all going on at the same time. The police and the military were trying to work out what was linked, because some were just opportune, some were properly planned and others were cowboys doing their own bits and pieces. It was continual.

At the same time, the members of the military—and particularly those who lived in Northern Ireland—would have to be looking under their car every time they went out, when their wife was about to go shopping or when they were picking up their children. They were having to check on what cars might be waiting around their houses. All of that context is often forgotten because they end up just focusing on the facts, so you are right to raise it.

When I was asked the difficult question earlier by the Chair of whether it is an independent person, three people or others, within there you have to have somebody who understands what the context was like. On the other hand, article 2 and others come in to make sure that things are not biased. How do you have the context being shown at the same time as



making sure that you have someone there who experienced it, who, to many, would be seen as biased? We have to make sure that the context is known all the way through at all times. Only then can we find a correct way forward, so it is absolutely the right thing to raise.

Q40 Mr Campbell: No one, least of all me or anyone else, would suggest any interference in judicial process; that is a separate matter. In terms of veterans, I constantly have veterans coming to me and saying that the point about some of these issues is that no one seems to understand the pressure they were under or the split-second decision-making process that they had to take, because of events that were going on immediately before whatever the incident was that they were involved in, or in the lead-up to that incident, days and weeks beforehand. That is why I raise the importance of context.

How do you feel that you, as veterans' commissioner, can help address the wider public mindset and remind them of that backdrop that existed then, which many people do not remember or were not alive when it occurred, and yet a one-page, one-chapter summary of what happened by a soldier or to a soldier is being played out in front of them on the news?

Danny Kinahan: That is a very good point. It is one of the key areas that I have to work on. How do we get those stories known by people? It is part of getting veterans the respect that they deserve but also part of teaching society what was going on and what they had to work and live with. I do not know, Chair, if I am allowed to show a book.

Chair: It depends on what it is. If you are trying to sell it, no.

Danny Kinahan: I am not encouraging selling it, but it does exactly what we need. It speaks, from everyone's angle, about certain incidents that happened. That happens to be 8 UDR and *Conspicuous Gallantry*. If you sit down and listen to everyone from the person who was shot on patrol, through to the family and the wife living at home, and hear their experiences, you then slowly realise what life was like. We have to set in place ways of finding out the stories.

Pete Shirlow at Liverpool University is starting a project to look at the stories and pull them together, along with how it affected society and families, but that is two or three years away. I know that the veterans' support office, I and others are also talking about finding ways to get their stories out, but many of them do not want to tell their stories either; they have put the past behind them.

We almost need a catalyst: someone out there who can go and help people tell their stories, whether through councils, the British Legion or charities. It is essential that we get the story out there and that people realise what they were doing. At the same time, I would like them to tell the stories of what they do for society now, because most veterans have carried on helping society. It is their sense of service. They make society work, whether in their business or in their community.



- Q41 **Mr Goodwill:** Earlier on, Ian Paisley talked about vexatious claims. You have talked about the asymmetric evidence resource, with 92 tonnes of paper records kept by the state, whereas nothing was kept by the terrorists. When you talk about vexatious claims, most people would think about cases in places like Afghanistan and Iraq, and we have seen some fairly unscrupulous lawyers operating in those particular areas.

The Overseas Operations (Service Personnel and Veterans) Bill, which was a reaction to that situation, does not extend to Northern Ireland. What steps should the Government take, when developing their upcoming legacy legislation, to ensure the equal treatment of Northern Ireland veterans and those who served in theatres overseas?

Danny Kinahan: Again, it is a good question and a very difficult one. A soldier serving in Basra sees themselves as no different from a soldier serving in Belfast. They feel that they should be following the same rules and being looked after in the same way, wherever they are. The sad thing is that our politics and our past means that it is not seen as a war in Northern Ireland, but as an internal conflict. It is seen in a different way and has to be treated differently legally.

Therefore, I need the Government to try to make sure that the veteran is treated exactly the same in Northern Ireland as is in the overseas operations Bill, but our devolved Governments and our different rules mean that it has to be done in a different way. You have to start with the Armed Forces covenant and what is happening there. There are a whole lot of other issues that are not there.

When it gets to the Shiner-like organisations, there is an element of that that veterans feel is happening in Northern Ireland and, to get back to the vexatious point, it seems to be loaded against them. I know from my previous time that getting legal aid was particularly hard over one case, and yet it seems to be very easy for the other side to get legal aid. We have to make the whole thing even for everybody. It is going to be difficult but it all falls into this middle way. We have to sit down and find a way of closing all those doors and giving our veterans a future.

- Q42 **Mr Goodwill:** Would you agree that one of the problems in this regard is the definition of new evidence? Almost anything could be described as new evidence. Does that mean that, in some cases, many veterans would feel that there is always a threat of prosecution hanging over them because even the smallest piece of information could be brought out as so-called new evidence?

Danny Kinahan: You are absolutely right. It is not just new evidence; there are new ways of looking at evidence and, as someone from the PSNI said to me a while ago, if there are new ways of looking at evidence, the doors can always be opened from that. We have to find that middle way. We also have to have our prosecution service and others making sure—and I am told that they do—that things are not vexatious. It is hard and there is a whole new way that has to be found.



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Q43 **Chair:** You mentioned earlier in your evidence an appearance on RTÉ and talking to people in the Republic. What role do you see the Irish Government playing in helping to deliver a meaningful, proper solution to legacy, given the border issues at the time of the Troubles?

Danny Kinahan: The Irish Government are absolutely key. We need them to help us find the middle way. I do not know half of what happened in the past, and maybe they do not. In the same way that the British state needs to open up and tell people what happened while, at the same time, protecting its state from how it does things at a high level, the Irish have to do the same. They have to give more and I hope to work with them. I have written to Minister Coveney to ask if I can talk to him, because we have to find ways forward and they are a key element in finding that middle way.

Q44 **Chair:** While accepting that this has to be, for want of a better phrase, Westminster-led, you think that there is the need and desirability for close liaison with the Government of the Republic.

Danny Kinahan: Yes, close liaison is needed, and their support, whatever happens at the end. Again, I go back to my point about not playing politics. If we all sat down, found a way forward and drove it together, we would get a solution.

Q45 **Chair:** This may be a naïve question, but I am going to ask you because naivety is not a sin. Throughout the course of this morning, you have referenced, as have colleagues, sums of money, numbers of people and the years that have elapsed since certain events have taken place. Do you ever wake up of a morning and say to yourself, "Why do we not ring-fence that money and use it for supporting now and building a brighter future, rather than trying to deal with the past, which is never going to get everybody reconciled"? I appreciate that that sounds incredibly naïve and possibly wistful, but I would just appreciate your thought on it.

Danny Kinahan: I have had exactly the same feeling quite often, and a lot of society has the same idea, whether or not we are all naïve together. Often, there is a clear sense of thought. If we put that money aside, concentrate on people, families, survivors and veterans, and draw that line behind us, while knowing that we have to do it in a sensitive way with those who have lost loved ones and need help, that is not naïve. In a way, maybe that is what should drive us all.

Chair: Commissioner, thank you, first, for taking on the role and, secondly, for giving us your very considered responses to our questions. We are, as a Committee, very grateful to you for that.

I will close just by echoing a comment that Mr Paisley made earlier in the proceedings when he referenced—and maybe I should have done so as well—the recent attacks on the offices of our colleagues Mr Farry and Mr Shannon. I know that, as a former Member, you will understand the sentiment that an attack on one of us is an attack on all of us, because it is an attack on the operation of democracy, imperfect as it may be. We



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need to be absolutely vigilant and I am grateful to Mr Paisley for reminding us of that earlier in the session. Again, thank you very much, Commissioner. Thank you, colleagues.