



## Northern Ireland Affairs Committee

### Oral evidence: [Compensation for victims of Gaddafi-sponsored IRA attacks](#), HC 1283

Thursday 15 April 2021

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Members present: Simon Hoare (Chair); Mr Gregory Campbell; Stephen Farry; Mr Robert Goodwill; Claire Hanna; Fay Jones; Ian Paisley.

Questions 77 - 128

#### Witnesses

[I](#): Phyllis Carrothers MBE; Jonathan Ganesh, President, Docklands Victims Association; and Billy O'Flaherty.

[II](#): Kenny Donaldson, Director, South East Fermanagh Foundation; and Aileen Quinton.



## Examination of Witnesses

Witnesses: Phyllis Carrothers, Jonathan Ganesh and Billy O'Flaherty.

Q77 **Chair:** Good morning, colleagues, and good morning to our witnesses for this, our second Committee meeting of the week, but so important and serious is the issue at hand this morning that it is certainly merited. I am very pleased that we are joined by five witnesses this morning. We are going to hear from you in two panels. We will start with Phyllis Carrothers, Jonathan Ganesh and Billy O'Flaherty.

The purpose of this morning is to understand, from your point of view, your response to the written ministerial statement of a few weeks ago by the Foreign Office with regard to the work undertaken by William Shawcross in terms of trying to secure a passage of compensation for those who were victims of Gaddafi-sponsored and/or facilitated IRA terrorism. Thank you for joining us. We are interested to hear your story. The one message I know all my colleagues on the Committee will be very keen to ensure that you, and indeed others who have an interest in this, hear is that as an issue, as far as our Committee is concerned, this is not going away and has not gone away. We are on your side and we are going to continue to work, press, lobby and campaign to get the right answer to this pertinent question.

I will start by asking our first three witnesses to give us a snapshot as to your response to the appointment of William Shawcross and all the attendant narrative that sat around it, which was he had been appointed to find a solution and to come up with proposals, and that the Government would accept the proposals, and then to the written ministerial statement of a few weeks ago from Minister Cleverly, which was, "We have received the report. We are not publishing it. We are not doing anything about it." Could you just take us through your rollercoaster of emotions, for want of a better phrase?

**Phyllis Carrothers:** I have to say at the outset that I was not actually aware that there was such a report, but I feel aggrieved about the whole thing: that it has been raised again and the secrecy that evolved around the non-publishing of the report and the fact that our hopes have been raised and dashed again. We are being pushed from pillar to post, and we are continually, all the time, being undermined and denied the justice that we deserve.

**Jonathan Ganesh:** Good morning. To be sincere, I was absolutely delighted, after nearly 15 years of campaigning, when Mr Shawcross was appointed. The victims in Northern Ireland, as well as in the Republic of Ireland and mainland GB, were absolutely overjoyed, because they have been campaigning for many years. We really felt this was a major step forward, and in fact it was a major step forward, because it was announced by the media and a press release was issued. I had the privilege of meeting Mr Shawcross as well. We really believed that we were going to move forward. The families of some of the people with



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horrific injuries were overwhelmed with joy, in Northern Ireland, as well as in mainland GB.

Q78 **Chair:** What about your response to the written ministerial statement?

**Jonathan Ganesh:** I was absolutely devastated. Our DVA offices in London received countless calls from people in Northern Ireland and mainland GB. It was one of disbelief, and people were absolutely stunned by it. To be sincere, they were absolutely stunned by it, because they really believed, and hope had been given to them and then so wickedly and dastardly taken away from them in the ministerial statement. They were absolutely stunned, and I share that belief.

**Billy O'Flaherty:** I do not have much more to add, but certainly there was a lot of hope with the appointment. We had all hoped that at last something was going to be done about it, because we had known for a long time that Gaddafi was involved in this. I was glad to see Mr Shawcross being appointed because his appointment gave us some hope, but when I saw the thing that came out last week, I just thought it showed no respect whatsoever to any of the victims. I felt very taken aback. We were being treated very dismissively. Just sending that report out before they went off on their break showed no respect whatsoever to any of the victims.

Q79 **Chair:** Do you feel that the Government are dealing with this by thinking that it is too difficult to deal with, that too much water has gone under the bridge and "Let us turn a page and move on"?

**Billy O'Flaherty:** Yes, exactly. That is the way I feel. The longer this goes on, the more victims are going to pass away. There are people who are not going to be with us much longer. Maybe it suits them to drag it on and on. With the incident I was in, there were three colleagues who survived a bombing, and I am the only one who is still alive. Maybe if they wait it out long enough, I will not be here much longer either.

Q80 **Chair:** Mr O'Flaherty, would you characterise it as effectively running down the clock?

**Billy O'Flaherty:** Yes, of course. What other way can you look at it?

Q81 **Chair:** I have yet to find a satisfactory explanation as to why other Governments were able to secure compensation packages from the Libyan authorities and the UK Government did not and has not. Maybe you have received an explanation; if you have and you felt able to share it with us, that would be helpful. Do you have any light to shed on that?

**Phyllis Carrothers:** A decade or more ago I attended meetings with officials from the Foreign and Commonwealth Office. The main thrust of our argument focused on the fact that the victims who were citizens of the USA were compensated. Instead of looking after their citizens, our Government prevaricated and went as far as making it clear that it was



not their responsibility to help us in any way. They intimated that they could not be seen to be doing this. That is exactly what came across.

It can only be viewed as wrong that individual people like myself, or groups of people in similar situations, left with loved ones either murdered or seriously injured and carrying those injuries through their life, are treated any differently to those citizens of America, Germany and wherever else who were compensated. It is exactly the same Semtex and exactly the same regime that actively encouraged this to be sent across to the Provisional IRA.

**Jonathan Ganesh:** I am sorry to say this, but it is what I believe in my heart.

**Chair:** That is what we want to hear.

**Jonathan Ganesh:** The Government did not realise that we would start realising the injustice and the lack of equality that has occurred. When we contacted congressmen in the United States, they were lobbying for their citizens, fighting. The Government were actually on the front foot. They were very robust. They basically said, "Before you come back into the fold, you have to address your past legacy issues." The French and Germans did that, and the Americans were really robust in doing so. Sadly, and I am sorry to say this, our Government disgraced the victims of terror, because I feel in my heart that they fought for trade deals more than they fought for victims.

The Americans managed to do both. The Americans managed to secure trade as well as fight for victims. One really did not precede the other. You could have had both on the table, but our Government—they know their motives for this—put trade first and put the victims certainly second, if that. The Americans, French and Germans were very robust. I spoke to congressmen there. At one point, when I spoke to a congressman, he said, "Your Government has to fight for you like we are fighting for our victims".

**Billy O'Flaherty:** I do not think our Government want to rock the boat. They may have another picture in mind. There is something else going on and they are not wanting to rock the boat with the Libyans. It is quite simple to see that. To quote a Minister from a few years ago, he said at that time that he was not prepared to put pressure on Libya because he did not think it was appropriate. They are not going to rock the boat against the Libyans. They are hoping to look at the clock and mark time until very few victims will be left to challenge them.

Q82 **Claire Hanna:** Thank you to all of our witnesses. We understand how onerous this whole process has been, on top of the experiences you have already had. We really appreciate your engaging with us and being so open. I was hoping, for context, that you could describe your experiences of Gaddafi-sponsored IRA terrorism.



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**Phyllis Carrothers:** On 17 May 1991, my husband, Douglas Carrothers, a serving member of the Royal Ulster Constabulary GC reserve, was murdered outside our home in County Fermanagh by the Provisional IRA. This was caused by a Semtex bomb exploding under his car as he reversed beside our front door. Based on irrefutable evidence that was supplied and available to the British Government and the security forces, this Semtex, as we now know, was supplied by the Libyan Government under the then President, Colonel Gaddafi. I was appalled and horrified at this disclosure, and that is why I feel so strongly that the Libyan regime should be held accountable for their actions.

Over the years that followed Dougie's death, I was left to bring up three young children, which at times was a real struggle, but we got through, with many ups and down along the way. Our lives will never be the same, but this continued delayed justice is denying us the justice and, to an extent, the security we deserve.

My husband was murdered simply because he wore a uniform to serve and protect his country and the community in which he lived. He ultimately paid the supreme sacrifice, with his life. My two sons are older now than their dad was when his life was cut short by the IRA. I was left a widow at 34 years of age, with three children to bring up. We are being put through this mill time and time again—hopes raised, hopes dashed, hopes raised and hopes dashed. As I previously said, we want to be treated with respect. It is just a heavy burden to bear. As has already been intimated by others, we are not getting any younger. Certainly I am now feeling the loss more keenly than ever. My three children have all gone through university and been successful; they are married, have their own children and are independent people and a credit to their dad. I feel the loss more keenly because I have no companion or the stability that my marriage would have brought.

**Chair:** Mrs Carrothers, thank you very much for that. Take a moment. We are very grateful to you for your honest view.

**Billy O'Flaherty:** I was a police officer in the Royal Ulster Constabulary. Following that, I continued in the Police Service of Northern Ireland. I retired about 10 years ago, but I was able to get my 30 years completed after going through a bomb blast. In 1989 I was in an armoured police car in Cushendall, which is on the north coast of County Antrim. The Cushendall area was predominately a nationalist area but it was not republican; the people got on well with their local police. It was something like that programme on TV, *Heartbeat*, where the police were generally welcomed in most places, but obviously whenever we were there, there were people from the republican side who were watching and saw that we were an easy target.

It was a Friday afternoon, a lovely, bright sunny day. We were driving along the road in an armoured police car. We were driving past a place called the Red Arch. As we drove past there was a car parked by a layby, packed full of explosives. All explosives from 1985 contained Semtex, so



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it had to have been Semtex. I was told by some of the bomb experts at the time, because of the injuries and burns I received, that it definitely was Semtex. That is what I was told at the time.

The bomb was detonated. If you can imagine, it blew our armoured car up into the air, doing a Fosbury flop. The car landed on what was left of its roof, because the car was as if it had been put through a shredder. I was fired through the air and on to the beach. When we talk about the beach in County Antrim, we are not talking about sandy beaches and palm trees; it was just pure granite rock. I was fired through the air. I lost my left arm above the elbow and my right leg below the knee, and my left leg was badly shattered and broken; there were various cuts and bruises, and my whole body was burned; I lost my sight—everything.

My two colleagues were trapped inside the vehicle. By this time, the vehicle was upside down, and there was fuel everywhere. There were a lot of local people at the time who came and gave us a lot of first aid; if it was not for them, we would have been dead. I was taken to the Royal Victoria Hospital, and I remember talking to my consultant doctor, who told me at the time that it was basic first aid at the scene that had saved our lives.

I was able to get back to work. I carried on going back to work because I could not afford not to work. Even with any compensation that you may have got, I had only about only six years' service, so I could not have afforded to have left the police, et cetera. Thank goodness that at that time, in 1989, the chief constable was very supportive. I was able to return, not doing the things that I usually did, but come back into community work, which I carried on doing.

We all survived the actual bomb blast, which was a miracle. If I showed you the car, you would say that nobody ever got out of that car alive. Two weeks after the bomb blast, one of my colleagues died of a complication, whereas the other officer who was with me died seven years later of an unrelated incident. I am the only one left of the three of us. That is why I am thinking, the longer the Gaddafi thing drags on, whether I will ever see this thing coming to an end or being resolved. I do not know.

**Jonathan Ganesh:** It was a Friday night. I was working my way through university, studying law, and I was working part-time as a security officer. I had a boxing career as well, as an amateur boxer, and I was hoping to turn professional. It changed my life completely. My two friends, who I had known for four years before they were taken away from us, were killed. I was burned and got shrapnel injuries, but I am one of the lucky ones. There were other people that night who had horrific injuries. I went and looked at Zaoui Berezag in the car, and he had a horrific head injury where you could actually see his brain. I initially thought he was dead; he actually survived, but he had horrific injuries. There was a lady, Barbara Osei, who lost an eye. Although my



body is quite badly scarred and I am partially deaf in one ear, I am one of the lucky ones.

There are countless people, including four people in our community today who I visit, who are still traumatised by it. They find it very difficult to come to terms with what happened to them. We are lucky; we can speak. It is not easy for us, as Phyllis and Billy have indicated, but we can actually speak. There are many victims who cannot. Two people committed suicide years later due to the after-effects of the Docklands bombing. I am one of the lucky ones. There are people who have horrific injuries, psychological as well as physical. It is a night I will never forget, and it still haunts me to this very day.

**Chair:** Thank you, Mr Ganesh. It is important, because very often people think of this merely in the context of events on the island of Ireland and forget that we are dealing with victims and survivors on the mainland as well.

Q83 **Ian Paisley:** Can I express to our witnesses our thanks for letting us have a little glimpse into this? I am reminded, as we come out of Easter, of the Easter message, where there was the doubter Thomas, who did not believe until he saw the wounds and the scars. Today the Foreign and Commonwealth Office, and anyone looking on, can no longer doubt. They can see the scars, the wounds and what is happening to people. It is absolutely essential, therefore, that the Foreign Office gets the message that it has to do something for these folks, and it has to do it fast.

Mrs Carrothers, you mentioned that you had a meeting very early on with the Foreign and Commonwealth Office but got zero help as a result of that meeting. Has there been anything else in terms of support from the criminal injury schemes that existed in Northern Ireland? Could you elaborate in terms of what was available to you in terms of compensation generally? I do not need you to go into the pounds, shillings and pence, but the general piece that was available to you as a widowed mother of three who had lost her husband in such a horrible way.

**Phyllis Carrothers:** At the time, in the ensuing days immediately after the murder—my memory of the first few days is pretty hazy—I was given a cheque. Initially, I thought it was from the RUC welfare, but I understand it was from the criminal injuries. That is the only compensation I received. I qualified for a widow's benefit or pension from the Government, but—I really could not fathom this one—because I was not over 40 I lost that as my two sons and my daughter became 18 or between the 18th and 19th birthdays.

All my children went to university and have since been very successful in their fields. I saw the money that I initially received as a safeguard for their future. I earmarked or ringfenced it in the main for their education over the years, which does not come cheap, as I am sure many of you know. Two of my family could have studied medicine at Queen's, but they chose to apply across to the mainland and study, as a consequence of



what happened to their dad; they just did not want to get into that scenario and wanted to clear their heads. My younger son did go to Queen's.

I received nothing else. The widow's pension from the Government gradually dwindled to nothing and was curtailed and cut off before my children got very far into their university years. Like all other victims, regardless of their background or how they were victimised, I received £500 each year. That is an annual payment from the VSS, the Victims and Survivors Service. I did not receive anything else. I worked part-time when we were a complete family unit, but I then had two months to get myself sorted. I had a month or two to look for a full-time job, because the part-time job, with the income from the little job that I was doing, was not going to be sufficient; it was going to be completely inadequate to raise my family. The money was gradually disposed of or used up as my children were educated, and there has been nothing to tap into as a reserve since.

**Q84 Ian Paisley:** The economic and social consequences of this were long term and generational; obviously they had an effect on your children.

**Phyllis Carrothers:** Yes.

**Q85 Ian Paisley:** You said that the outcome was that some of them left Northern Ireland, and that was influenced by what had happened to their daddy.

**Phyllis Carrothers:** Yes, exactly. Once they studied there, got their job opportunities and everything else, those two never returned to live, marry and raise their families in Northern Ireland.

**Q86 Ian Paisley:** Mr O'Flaherty, could I ask you the same question about the adequacy or otherwise of the support you were given? What contact did you have with the authorities in terms of compensation?

**Billy O'Flaherty:** When you say authorities, do you mean through the Northern Ireland criminal injuries scheme?

**Ian Paisley:** Yes, both the criminal injury scheme and any other Government authority that supported you, if at all.

**Billy O'Flaherty:** There was nothing from Government authorities. The only help I received was internally within the police family, from people whom I would have spoken to or within my own federation and union. People advised me on what I should and should not be doing. There was nothing at all from the Government—zero.

When I was injured, I had only about six years' service, as I said, so I could not have afforded to leave the police at that time. I could not have afforded to go off. At the time, my daughter was not even two years old. I could not have afforded it. I had a family to bring up. With so little service, I could not have had a pension that I could have survived on.





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As I said earlier, I was lucky enough that the chief constable at the time was able to find me a job. I do not know if he would be able to do that in this day and age, but in those days they gave you a lot of support. I carried on and got a job in community work. I could never have survived on the compensation I got. At that time it was something like seven years' pay. How was I going to live on that for the rest of my life, along with a young family, et cetera? I could not have afforded it at that time. I was lucky to get back to work.

**Q87 Ian Paisley:** Mr O'Flaherty, I do not want to be pejorative, but can I ask you whether you feel that the lack of support was an insult, given what you had given to your country?

**Billy O'Flaherty:** Yes, to say the least. There was a famous saying in the police at that time that you were only a number. That was never as true as it was at that time. It is true: you are only a number. In terms of what we were giving to the Government at that time, there was nothing coming back; it was not being reciprocated at all. I felt that way; at that time, it was just the general feeling. I was not surprised that we did not get support from the Government because we were not expecting it in the first place. It was disappointing.

**Q88 Ian Paisley:** In terms of the long-term consequences, obviously you have horrific physical injuries, but you have not allowed those physical injuries to stand in your way. You have become a coach to a very successful local football team. I see you recently won an award from McDonald's for your community spirit, and you have been awarded a national honour. It has not held you back in terms of that, but if that is what you are like post an injury, what could you have given if it had not happened to you?

**Billy O'Flaherty:** It is possible that I could have done this or that, but I did not see it that way. I was not going to let these people hold me back in the way they had hoped. I took the view that, if I wake up in the morning and I do anything, it is another day and I have survived. I have shown to those people, who tried to put me six feet under, that I am still alive. Over 30 years later I am still here; I get involved in different things within the community. As you say, we have over 250 kids from all sides of the community within our club. We run a club with something like 24 or 25 teams. I am getting a little old for coaching now, unfortunately, so I just stand on the side lines and complain. We have 250 kids. It is the way forward. You have to get kids and young people early and not let their minds be interfered with by people who will try to guide them towards a particular way.

**Q89 Ian Paisley:** Congratulations on that, and thank you for that contribution. Jonathan Ganesh, can I ask you the same question? The compensation package in the British mainland might be slightly different to what people did or did not experience in Northern Ireland. Could you outline to us the adequacy, or lack thereof, of the support that you received?



**Jonathan Ganesh:** There was some help given to me by the Criminal Injuries Compensation Board. That was done for me by a social worker at the hospital. I do not mind telling you the exact figure I received because I have nothing to hide. It was approximately £1,000. I was so depressed after the incident that I did not pursue it. Because my health was declining, we submitted another application a number of years later, and they said, "I am sorry. You have already had one payment of £1,000, approximately 25 years ago, and that is the limit. That is the assessment we have made", and that is it; I have never received any help.

I made an application to the victim support service in Northern Ireland. It was, for some strange reasons, rejected. I pursued it, and they said, "I am sorry. The cut-off date is April 2017. If you had not made your application before then, we are not allowed to help you in that way." It has been appalling. I know I might be going off the point, but I have spoken to some of the Americans who received compensation. They received substantial amounts of compensation. They received special medical chairs and wheelchairs. I received £1,000 compensation for the injuries I received.

I was so depressed afterwards, not because of the money. For two or three years I was so unhappy and sad. My friends had been killed. I was not myself. I carried on in silence. I was helped by my friends and people. It was very difficult. How can I explain this to you, Mr Paisley? It is very difficult for a victim, because every time you fill out an application form, anytime you do something, it just appears; you are bringing back those terrible memories, and sometimes it is very difficult to do so. It is heart-breaking when you are told there might be £500 available, which is a very small amount of money but it could help somebody, and then my victims at DVA are told, "I am sorry. You had to apply before April 2017." It is an appalling situation.

Q90 **Ian Paisley:** Mr Ganesh, what happened to your promising law career and your sporting desires? What happened to them after this?

**Jonathan Ganesh:** Because my hands and my thumb have been quite badly damaged, I would not be able to get a professional boxing licence, not in this country anyway. I would not be able to get a licence from the British Boxing Board of Control to box professionally. My boxing career ended; I could not box anymore.

As for my law degree, I returned to university but I just could not focus. I managed to achieve it 15 years later, through the Open University, but because of my age it is going to be very difficult for me to go into that profession. I was pleased to get the law qualification. However, it would have been more beneficial if I had it 15 years earlier, but I was not in the right frame of mind to do so.

Q91 **Chair:** On the back of what Mr Paisley has just asked, I wanted to ask this question of the three of you. How important is it to you that victims and survivors of those who were affected by Libyan-sponsored/facilitated



activity are carved out and looked at separately, as a free-standing group? If you look at the tail end of the written ministerial statement, which I was just trying to put my hand to—I know it is here somewhere, but I do not have it at the moment—it says people can now apply to the Executive in Stormont for some money, but it is encapsulated within the general survivors of the Troubles type of funding. Is it important that those who suffered because of Libya are viewed and dealt with separately, or does it not necessarily matter?

**Phyllis Carrothers:** Given the disclosure that the Semtex could be traced back specifically to the likes of the Libyan regime, I do not know. I was a former chairperson of the RUC GC Widows Association; obviously the organisation is made up of widows who, like myself, were bereaved via a bomb rather than a bullet. Due to the position I held at the time, I attended the meeting at the Foreign Office that I mentioned, over a decade ago. We never actually said, “What about us and how our husbands were killed?”

Maybe I am generalising too much, but it was accepted that, because of the fact that the explosives were traced to Libya, and that was irrefutable, it was right and proper that we should be treated with equivalence to the Americans and others.

**Jonathan Ganesh:** I am sorry. Could you please repeat the question, because I had some interference?

Q92 **Chair:** I was just referring back and picking up on Mr Paisley’s question about compensation. I now have the wording of the written ministerial statement in front of me. It suggests that victims will “have access to the Northern Ireland Criminal Injuries Compensation Scheme. The Troubles Permanent Disablement Scheme, to be delivered by the Northern Ireland Executive, will provide acknowledgement payments to people living with permanent physical or psychological disablement resulting from being injured in Troubles-related incidents.”

From your point of view, should those who have survived Libyan-facilitated atrocities be looked at and dealt with separately, or are you content with the Government’s stated approach, which is effectively to bundle everybody together? I do not use that phrase dismissively.

**Jonathan Ganesh:** With all due respect, that would be totally inappropriate. The whole point of our campaign was that we would hold Gaddafi to account. We did not want money from the UK taxpayer. We were and still are very adamant that Gaddafi paid the French, Germans and Americans. It would be so disingenuous of us to say, “Hang on a minute.” We may need that money—some people desperately need that help—but the moral principle is holding Gaddafi and his regime to account.

If this is not done, it will leave a terrible legacy and completely tarnish the UK’s image abroad. The whole point is that you want to dissuade a future dictator who wants to arm a terrorist group, by saying, “You will be



held to account,” rather than the UK Government saying, “You can always go there if you need money.” When I met Gordon Brown in 2008, he mentioned that to me, and I said to him, “Please, it is deeper than that. We want to hold Gaddafi to account.” We desperately need the help—of course we do—but morally it is the wrong thing to do to allow somebody who armed a terrible terrorist group and supplied tremendous weaponry and training to think that they could walk away scot-free and it is now down to the UK taxpayer.

**Chair:** That is a very powerful point to make, Mr Ganesh, and it certainly resonates with me. It is about the wider message that is sent out to regimes that might at some point seek to replicate how Colonel Gaddafi operated and conducted himself on the international stage. That is a very powerful point indeed.

Q93 **Mr Goodwill:** We have already heard from our witnesses about how they were stunned by the good news in 2019 that Mr Shawcross had been commissioned to produce this report. I just wondered if any of our witnesses had direct contact with Mr Shawcross, either at their own initiation or by Mr Shawcross getting in touch.

**Jonathan Ganesh:** I managed to meet William Shawcross. To be sincere, I have to tell you the truth as I find it. I thought he was a very nice person and very genuine. I was quite persistent and he did meet me. The meeting lasted for about an hour and we discussed many issues. People give you sympathy, and that is very kind, but of all the people I have met—I have met Libyan ambassadors and lots of people in all sorts of Government Departments—he was the only person who asked key questions, such as, “How many people are affected? How will the money benefit the victims who are severely disabled?”

After the meeting I really believed that he was going to move it forward, to the point where I said, “For historical purposes, please could I have a photograph with you?” because I really believed that this was the man who was going to move it forward. I was in a state of shock when the ministerial statement came out.

Q94 **Mr Goodwill:** The Government have refused even to publish the terms of reference given to Mr Shawcross for his investigation. It sounds a little like he gave you some fairly key lines; he was trying to identify the number of people and the amount of money that would address those. As far as you are concerned, it was within his remit to report back to Government on all of these.

**Jonathan Ganesh:** Yes, absolutely. He asked very key questions about how it would benefit the victims. Perhaps more importantly, he made substantial notes. I really believed he was committed to resolving it, to the point I said, “Could I please have a photograph with you? I promise you I will never use it in a derogatory way, and I will keep it to myself.” He did not say, “I will get you compensation”—he certainly did not say that—but he seemed committed and very genuine.



Of all the people I have met—Prime Ministers, Ministers and people from Libya—he was one of the very few people who actually asked key questions. When I told him about the victims who had taken their own lives he was concerned, and he seemed to be able to get to the point, and I really felt he was developing some sort of resolution or moving it forward.

**Q95 Mr Goodwill:** Mr O’Flaherty or Mrs Carrothers, did either of you seek to have any contact or engagement with Mr Shawcross?

**Billy O’Flaherty:** Chair, you did not allow me to speak on the last thing we were speaking about, with the arms and explosives and how they are interwoven with terrorism in Northern Ireland.

**Chair:** I apologise. A few words on that earlier question and then an answer to Mr Goodwill’s would be helpful. I crave your forgiveness on that.

**Billy O’Flaherty:** We were talking about Semtex and so on coming from Libya. If you read up on the fact that there were allegedly four shipments that came into Ireland, landing in Wicklow, full of 150 tonnes of arms and explosives, it was not just Semtex. We had a shopping list of AK-47s, SAM-7 missiles and RPG-7 rocket launchers, along with pistols and other things. There were shootings. These people are not just involved in bombings, et cetera. There are various others; there is a whole shopping list of terror that these people have brought, especially to the shores of Ireland, and Northern Ireland in particular. We have suffered from this.

From 1985, experts would say that every bomb detonated by the IRA in Northern Ireland contained Semtex. Gaddafi had his fingers in various puddings here, and he was responsible for various things directly and indirectly. It is not just about that. That is just something I wanted to say. They are both interwoven. You cannot really separate them, because Gaddafi has blood on his hands with every incident in Northern Ireland.

**Q96 Mr Goodwill:** Do you think that is likely to be a problem in terms of working out who is a victim of Gaddafi-sponsored terrorism? It is fairly straightforward with Semtex, sadly, but, in terms of people shot or affected in other ways, it is difficult to find a smoking gun that takes you straight back to Gaddafi in every case.

**Billy O’Flaherty:** I am sure the authorities will be able to trace back where these weapons come from. You do not buy AK-47s at your Sunday market. I am looking through this list, and I have friends and colleagues who have been victims. I have a friend who was riddled by an AK-47. I have a mate who was hit by an RPG-7 rocket launcher. I have other friends who have either been killed or injured. Gaddafi brought in a shopping list of terror. Between 1985 and 1987, four shiploads of arms and explosives came into the Republic of Ireland and were all ferried up north.

**Q97 Mr Goodwill:** In terms of your engagement with Mr Shawcross, did you



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seek to meet him or did he seek to make a plea for victims such as yourself to get in touch with him?

**Billy O'Flaherty:** I would love to have met the guy, to be honest, and not only myself. I did not even know much about him until my local MP, Mr Paisley, made me aware that he was the person responsible for this. He never contacted me. I have quite a lot of contacts within the province here, and I have contacted a lot of my friends, and I know different people in different victims' groups, and they are all completely unaware. He never contacted them either, so what was he doing the whole time? Who was he speaking to? He was not speaking to anybody who I know, and I know a lot of people.

**Mr Goodwill:** I hope Mr Shawcross and the Foreign Office are watching this at the moment. The evidence we have heard has been profound; it has certainly affected me very much, living as I do where *Heartbeat* is filmed. I can understand how the rural tranquillity of that bit of coastline was ripped apart on that day, and your lives were ripped apart as well. Mrs Carrothers, did you have any contact with Mr Shawcross?

**Phyllis Carrothers:** No. I did not have any contact and was not aware that there was any form of consultation or anything like that.

Q98 **Chair:** I just wanted to read a couple of extracts to our witnesses. This is a Government media release, dated 6 March 2019, from the Foreign Office, announcing William Shawcross's appointment. It says that he would advise "how best the UK Government can support and facilitate the efforts of victims to obtain redress from the Libyan government." That was his job. In the Government's response to this Committee's report several months later, they said that one of "the issues Mr William Shawcross will advise on is the amount of compensation that should be sought. The Government believes that any compensation plan should reflect the Special Representative's advice on this matter"—the special representative being Mr Shawcross.

There are no ifs, buts or maybes. It is not "could" or "may"; it is "should reflect". It is very definite, so I can see how your hopes arise. What comfort do you draw from the written ministerial statement, where the UK Government reiterate their profound sympathy for you but decide not to take the Shawcross work forward?

**Jonathan Ganesh:** Chair, to be sincere, I felt the Government statement was so disingenuous, absurd and preposterous. It was unbelievable. They expect victims, who have already been traumatised, to liaise with the Libyan Government. I have actually done that; I have met the Libyan ambassador. Believe you and me, when my victims and I left the room we were traumatised by the event. I am very surprised that the Government would issue a statement like that and basically say that it is up to the victims to resolve it themselves. Why do we have a Government? A Government must look after their people, especially the most vulnerable people in that society. We are judged by how we look after our most vulnerable people.



People have already had horrific experiences, as we have heard from Billy and Phyllis today. How can these people negotiate compensation? I am very sorry to say this, but it is almost as though the Government have designed this policy so it will fail. It does not make sense. When I met the Libyan ambassador I realised at one point that, if we had got through, they were only going to pay a certain number of victims. We represent 62 victims, some in Northern Ireland and some in mainland GB, but we do not represent everybody. The Government really needed to get on the front foot, organise themselves and resolve it, rather than saying to the victims, "Do it yourself."

Q99 **Fay Jones:** Thank you very much to all the witnesses for appearing this morning. It is a real pleasure to meet you and to hear your story. Thank you very much for sharing it with us today. I am afraid I know the answer to some of these questions, and I want to build on what Mr Goodwill has just asked, but Mr Ganesh has talked about his meeting with Mr Shawcross. Mr Ganesh, did you have any interaction with the FCDO about Mr Shawcross's work?

**Jonathan Ganesh:** Yes, I did. I made several phone calls to them and sent emails, because I desperately wanted to meet him. They certainly were not rude, but they did not appear to be very helpful in securing me a meeting with him. I explained to them that we represent people in Northern Ireland as well as in mainland GB and we desperately needed to meet him. He was actually appointed as the victims' representative. That was his title: the UK victims' representative.

I said, "As a victims' campaigner who runs a group, please can I meet him?" They did not really seem to get back to me. I managed to obtain his mobile telephone number, which was very kindly given to me by somebody who had great sympathy with our cause. I rang him directly and said, "Please could you meet us?" Initially he did not appear to be very keen on that idea, but I was persistent. I said to him, "I will meet you any place, anytime, anywhere. Can you just give me 10 minutes of your time?" I also sent him some documents about victims. I sent him a case file on victims in Northern Ireland as well as in mainland GB, and there are a lot of victims in the Republic of Ireland as well. I met him, but it was not easy.

Q100 **Fay Jones:** Sorry to interrupt you, Mr Ganesh. Could I just bring you back to the FCDO and your experience with the Department, Ministers and officials? What was your interaction with them? Once they facilitated the meeting with Mr Shawcross, was that the end of the matter, or did they talk to you about what might happen to his report?

**Jonathan Ganesh:** To be sincere, they did not facilitate the meeting. We facilitated the meeting with William Shawcross.

**Fay Jones:** I understand. Apart from that, there was very little engagement with the FCDO.



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**Jonathan Ganesh:** There has not been that much, but over 14 years there has been engagement. To be sincere—I am sorry to be so blunt—it is more tea and sympathy rather than any moving forward. They extend their sympathy, and of course we welcome that, but it does not resolve the situation. It is more, “We are very sad for what has happened,” but then when we ask how we will take it forward, they do not seem to have an answer for that.

Q101 **Fay Jones:** Mrs Carrothers and Mr O’Flaherty, have either of you had any interaction with the FCDO throughout that process?

**Phyllis Carrothers:** No, I have not.

Q102 **Fay Jones:** Mr Ganesh, I will come back to you very briefly. We were surprised to find that the report was not going to be published. Were you expecting it to be published, and what led you to believe that?

**Jonathan Ganesh:** There was no doubt in my mind it would be published. The whole point was that he was the victims’ representative, and he asked key questions when I met him. We saw the press statement they issued, and at no point did it mention it was a private scoping report and that it was only for the Foreign Secretary. I wish they had said that, because they raised everyone’s expectations. To cruelly take it away from the victims, who were already very vulnerable, was an appalling thing to do.

**Billy O’Flaherty:** Earlier on I talked about the press statement that was issued at the time, but, as I said before, I found it very dismissive. It was as if we were being dismissed, that was it, that was just the way it was going to be and there was no talking about it. I was completely insulted by it. As I said before, no respect whatsoever was shown to any of the victims. It was not just myself; I am sure that other people felt the same.

Q103 **Fay Jones:** I understand your point. Mrs Carrothers, did you have anything you wanted to add?

**Phyllis Carrothers:** No, other than my disappointment and abhorrence that, yet again, we have drawn a blank. Financial compensation is never going to bring back our loved ones or erase the bad memories pertaining to their murder or severe injuries. The Government should really be embarrassed of themselves and their failure continually, time and time again, to treat us properly, if that is not too simplistic.

**Fay Jones:** That illustrates it perfectly. Thank you very much, and thank you for your candour.

**Billy O’Flaherty:** Can I say one thing on the back of what Phyllis said? I was in the United States about a year and a half ago. I was in Washington, on holiday. If you see the way that the American service personnel—soldiers, police, et cetera—are respected and are shown some credit for what they are and what they do, it is unbelievable compared to here in Britain. We cover the thing up and pretend it does not exist. I





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noticed last year, in particular, how well the American military are respected by the public and how helpful people are to them, et cetera, compared to here. You would think in Britain we are ashamed of our service personnel, police officers, soldiers and service men and women. I agree with what Phyllis is saying. We should be giving more credit to these people who, after all, are here to serve us and the public.

**Fay Jones:** I completely agree.

**Chair:** The work that Fay Jones has been doing with regards to Welsh veterans is noteworthy, as is, of course, the work that our parliamentary colleague, Johnny Mercer, is doing as Veterans' Minister. I agree, Mr O'Flaherty, that there is still a huge disparity, and we have a lot of ground to make up in that area.

Q104 **Mr Campbell:** Welcome to the witnesses. I wanted to come to a round-up question to you. For many of us the Foreign and Commonwealth Office has behaved exceptionally badly in how it has dealt with your cases, and the current position is just untenable and unjustifiable. It needs to hear a message, not just from this Committee, which it will, but from you, because a range of Governments have got some degree of redress for their citizens at the hands of the Gaddafi regime, as Mr Ganesh outlined, but our Government have not. Do you believe this is the end of the matter, or are you, like us, not going to rest until there is some redress?

**Jonathan Ganesh:** There is no doubt in my mind that, as long as the surviving victims can breathe and talk, we will continue to do all we can to rectify this appalling lack of equality that has devalued the lives of countless innocent people in Northern Ireland and Southern Ireland, as well as mainland GB. If we do not rectify this, it will leave a stain. I hope the Chair will forgive me; I am going to go off the point here. The UK has a tremendous history, with William Wilberforce and the abolition of slavery. It has done the right things at the right time. It will haunt the UK if it does not do the right thing. Parliament and previous Governments have done some tremendous things at the right time, and we see that, but to abandon these poor people and to say to them, "Go and fight for compensation yourself," is appalling.

We are not going to go away. We have been here for 15 years. We collected 15,000 signatures on a petition, and we delivered that petition to Downing Street. Every media network is supporting this campaign. I have been to Northern Ireland many times, and everybody, from both sides of the community, is supporting this campaign, because it has devalued the lives of people. Every life must be valued.

**Phyllis Carrothers:** I totally endorse everything Mr Ganesh has said. I could not have put it as succinctly or as articulately as he did. I get weary of this at times, I really do, because next month it will be 30 years since my husband was murdered on 17 May 1991; time and time again, as I have kept saying, this has reared its head and then somebody has just dismissed it. I feel like a second-class citizen. Why are we not being



treated with the same equivalence? To be honest, it just beggars belief. To make it very personal, my family feel it is the only form of justice that is left open to us, because there was never anyone brought to justice for my children's dad and my husband.

The younger man who scouted, while two others planted the bomb under my husband's car, was on remand for a good number of years, and then in 1998 he was released under the Good Friday agreement, to add insult to injury. I know that was for the greater good, et cetera, and for us all to have a better future, which is very applaudable and certainly is the way forward, but we have had no justice, and this is the only form or type of justice that we can now battle on with.

**Billy O'Flaherty:** Policing was formed in Great Britain. Robert Peel formed the very first police force in the world. The world has taken the lead from Great Britain on policing. Through the times of the empire, the British Army, the British Navy, et cetera, we have led the way. We are training other people in how to do their job, yet in our own backyard our own Government do not give any respect whatsoever to their own people.

I was totally gutted by this dismissive report that came out. How dare this guy treat us like a schoolmaster and put us in a classroom, instead of showing respect for what we have in this country, with our police force and military? That is the way I felt. I felt it was disgraceful. You also have to understand that there are an awful lot of people in the forces from England, Scotland and Wales, who have served with distinction in Northern Ireland through the years and may have been left out of this. I have worked with many of them, and a lot of them have been injured in these things here as well, through Gaddafi. I was very disappointed at the dismissive way we were treated by the report that came out.

**Mr Campbell:** To use an unfinished quote from the past, you are not going away.

**Billy O'Flaherty:** I wonder who said that.

Q105 **Chair:** With respect to Jonathan, I want to ask our Northern Irish witnesses singularly this question. Of all of the implausible arguments to justify inaction that we have come across, standing head and shoulders above them is this: that were victims of Gaddafi-facilitated terrorism to be singled out for "special treatment", it could cause problems between families, neighbours and communities. It is almost, "Why the hell should you get anything? What was so special about Libyan victims rather than anybody else?" I do not find that a plausible scenario, but I am perfectly prepared to be corrected if you think that would be the response within the communities of Northern Ireland.

**Billy O'Flaherty:** I find it slightly hard to understand what they are talking about. Who do they think is going to fall out with each other? The only people who may take offence at payments to victims are the people



who carried out the actions. They seem to me to be the only people who may take offence to this thing. Certainly, no one who I have spoken to can see any wrong with claims being made for this. The only people who would take offence are the people who may be responsible for it in the first place.

**Phyllis Carrothers:** Within the circle of the RUC widows, which I know is only a very small number people, and with regards to neighbours and my immediate community, as it then was, in County Fermanagh, there would have been no ill will among anybody that we would perhaps be acknowledged in this way. It is quite an ugly concept. It beggars belief that a Minister or whoever would even intimate such a thing. They are really at the bottom of the barrel if that is the sort of excuse they have, to say it would not be a good thing to give recompense in this manner. As Mr O'Flaherty said, the people who perpetrated the heinous acts would be the ones most likely to object, but certainly not the victims.

**Chair:** Mr Ganesh, I am going to guess, from your conversations with those in both GB and Northern Ireland, you would echo and endorse the assessments that we have just heard.

**Jonathan Ganesh:** Yes, absolutely. I work on both sides of the community and I have never heard anyone make any objections like that to me personally.

Q106 **Chair:** I draw this half of the session to a close. On behalf of all of us, with huge sincerity, can I thank our three witnesses not just for their time but also for what they have said and for the very restrained dignity with which they have said it? That has been a hugely impressive hallmark of this session. You are not going away, and I want the three of you to know that all of us on the Committee, irrespective of party affiliation, will want you to know that we are not going to go away either. We are here to do what we can.

I note, on a lighter side, it is probably only at the Northern Ireland Affairs Committee that we would have references within an hour and a quarter to doubting Thomas, William Wilberforce and Robert Peel. It goes to show what a very wide-read and knowledgeable bunch we all are or you all are. On behalf of the Committee, thank you. Please feel free to stay in the session so that you can hear what our other two witnesses have to say. Can I give you the most enormous thank you, and a huge amount of respect to the three of you for all the work you are doing?

**Billy O'Flaherty:** Thank you very much. Could I just thank my own MP, Ian Paisley? Ian was the only one who kept me up to date with what was going on, in the absence of anyone from Government. Thank you, Ian, for keeping me updated.

**Chair:** In the interest of fairness, other MPs are available.

**Billy O'Flaherty:** Yes. Sorry, I do not want to offend anybody. That is the last thing I want to do.



**Chair:** I must tell you, William, you have managed to make Ian blush. There are not many things that make Ian blush. If you have no other rewards from today, you have managed to achieve that accolade.

**Billy O'Flaherty:** He always kept me up to date with what was going on, and I thank him for that. Thank you very much to all the people involved today.

**Chair:** That is hugely appreciated. I am sure all of us would say there is absolutely no need for thanks. We are merely doing our job and discharging our duties to the best of our abilities. Thank you; that is very touching.

## Examination of Witnesses

Witnesses: Kenny Donaldson and Aileen Quinton.

Q107 **Chair:** Let us now turn to Kenny Donaldson and Aileen Quinton. You are both very welcome. Thank you for finding the time to join us this morning. I will start the questioning very much in the same way. I always think it is very unfair to our first tranche of witnesses and very beneficial to our second that you vaguely know the tone and tenor of the questions you are going to be asked. It would be helpful to the Committee if you could both direct your comments to this question, which is about your response to, and the hopes that you vested within, the Shawcross process when his appointment was announced and then that rather abrupt termination and a complete volte-face, if you will, with regards to the terms of reference that the written ministerial statement of the other week symbolised.

**Aileen Quinton:** I am going to be slightly different from your other witnesses in that I never had any great expectations of it. I have just been so burned through this.

Q108 **Chair:** Is that because you are a retired civil servant, Ms Quinton, and therefore you have the lash marks of cynicism on your back?

**Aileen Quinton:** No, it is the way that successive Governments have treated this issue. I saw that it was really no more than a stalling tactic. I was open to the possibility that something good might come out of it, but I was not banking on it. I have to say that the response from James Cleverly was worse than I had anticipated. The contempt is getting more and more thinly veiled. I was horrified by the statement and the way that the whole thing turned out, and even just the fact that Shawcross had not spoken to victims, apart from from the Docklands, but had spoken to Sinn Féin, the political wing of the people who were associated with Gaddafi. I was just astounded.

My first reaction to it was, "What did we ever do to you, Mr Cleverly, that you could actually come out with that?" The way that it was expressed, and the dismissive thing about there being all sorts of other packages available, just got me thinking. I wish the man no harm—this is just an illustration—but what if he was in some big supermarket, something fell



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on him and he was to incur lifelong severe disabilities, and the supermarket put out a statement that more or less said, “We will find a way of not having to compensate you. We have every sympathy for you, but you can get disability living allowance and you will be grand”? It is that message that I felt was coming through.

On the thing about this great sympathy, I do not believe the sympathy. If it exists at all, it is wafer thin. We are done with tea and sympathy. We do not believe the sympathy, and we can make our own tea.

Q109 **Chair:** Ms Quinton, I think I am right to say that it was your mother who died in the atrocity of Enniskillen.

**Aileen Quinton:** My mother was one of 11 who died on the day. Another died years afterwards, after being in a coma. She was there wearing her medals that she earned during the Second World War, as she played her part against another dictator and tyrant. Things have come full circle. It is also interesting to note that I have heard so much commentary that Enniskillen was the big spectacular that Gaddafi wanted in response for his help to the IRA.

**Chair:** That speaks to the evil of the individual in a very eloquent way.

**Aileen Quinton:** Putting this in context, there is so much of the Government saying that it is up to us to pursue compensation, et cetera. It is somebody else’s job and argument about whether the Government policy that caused Gaddafi to want to respond in that way was right, but right or wrong, we took the hit for it. Even on that basis, you would think, morally, that the Government would stand by us, but actually the Government, especially, at the time, Tony Blair, seemed more interested in being pally with Gaddafi than actually standing up for his victims.

Q110 **Chair:** Ms Quinton, you are a retired civil servant. With your former civil service hat on, as we understood it—and indeed still understand it, because we have had no further indication—while the responsibility for making compensatory payments was being effectively passed from the FCDO to the Northern Ireland Executive, no conversations had actually taken place with the Executive about this new responsibility that they might be handed. With your experience as a civil servant, does that suggest sensible joined-up government to you?

**Aileen Quinton:** Sometimes as a civil servant you see more than most that sometimes things are not sensibly joined up. I presume you are talking about the latest payment in terms of the pension.

Q111 **Chair:** Yes. In essence, the written ministerial statement directs that the Northern Ireland Executive will now, through schemes, be making payments to victims of Gaddafi-sponsored and facilitated terrorism. When the Committee explored this, we discovered that there had been no discussion at all with the Executive at Stormont about this. That struck us all as strange, but we are politicians. I just wondered whether you, as a retired civil servant, also found it strange.



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**Aileen Quinton:** To be honest, it sounds to me like more of the smoke and mirrors; they are trying to deflect from the issue about the responsibility to deal with the Libyan compensation thing. I would say that they just meant, "Some of them will be able to apply to this other thing as well." To me, it is a separate issue. In many ways it is just passing the buck. It is trying to get out of what should be a responsibility. They should be championing it. Our experience, so many times, is that potential Governments, when they are in opposition, are very strong and say they are going to do all sorts of things. It is terrible how we have waited this long. As soon as they get into Government, whatever flavour or hue of Government we are talking about, it is basically the same thing. The same thing happens over and over again.

Just on what people were saying before, about people dying off, in many ways, if I was technically savvy, I could have re-run the evidence I gave in 2015, because very little has changed. The one thing that has changed is that I said then that two of my brothers had died the previous year. My third and last sibling died last year. This is all too late for them. It is too late for poor Gemma, and it was mentioned before about her husband being badly injured in the Docklands bombing; she took her own life. Years of changing her husband's nappies daily and being told that she has to fight for compensation was more than the poor woman could cope with. She should not have been in that position. We should all remember her for that. Sorry, I have lost my train of thought.

**Chair:** That is quite alright. This is a broad and mosaiced subject. I was just reflecting on what you were saying about what oppositions say and what Governments do. You may be familiar with that American campaign phrase: that one campaigns in poetry and governs in prose. This seems to be one of those examples. Just while you regather your thoughts, I will turn to Mr Donaldson with precisely the same question.

**Kenny Donaldson:** I have been involved in these issues for some 13 years now, within my role in SEFF, and, since 2012, with Innocent Victims United. There have been a number of false dawns along the way. I would share some of the scepticism and cynicism that Ms Quinton would have had around the approach with Shawcross, but, nevertheless, what do you do in terms of being a victims' group, or indeed victims and survivors? You have to input a level of trust in a democratic process to deliver an outcome.

People do not have guns, bombs, muscle and weight to press Government. All victims and their representatives have is their voice. That is what they have to use. There was a level of guarded trust put in that process. You quite rightly, Chair, spoke to the matter at the end of the last session: it was not about "if", "will" or "but"; it was about how this matter was to be taken forward.

I will digress, because I think this is important at this stage. Why is it the case that in 2021 this matter has yet to be resolved? This week, I approached an Arabic media station to see if I could elicit an opportunity



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to discuss these matters with someone who may have been relatively close to the regime at that stage. That took place yesterday, through Asharq media, which goes out to the Arab world. It was the *After a While* programme. The co-interviewee with me yesterday was a Mr Saeed Rashwan, who was the head of the Al Wahda Bank during the Gaddafi years and is a current candidate to head the Libyan central bank.

The key point ranging from yesterday is that Mr Rashwan was vociferous in his assertion that the matter is over and that the UK Government and the Libyan Government of that time reached a diplomatic outcome to these issues; paraphrasing him, it was a quid pro quo for issues concerning the provision of Semtex and other armaments and of the UK's role in attacks upon Libya.

I can surmise that this possibly relates to the Benghazi attack of 1986, which was obviously carried out by the US but within UK airspace, with the potential for the move off from UK land. I would suggest to the Committee that it brings the FCDO before it and ask whether or not there are any judgment advices against the UK for alleged wrongs committed either directly or indirectly against Libya, including for Benghazi in 1986. Chair, this goes right to the crux of all this. There is a reason why it is not being pursued and why the FCDO has indicated that it would not be minded to deploy the vote of the UN Security Council to veto this issue unless there is a resolution to the compensation matter. Why is there such an ideological resistance to doing that? Chair, you need to probe those matters.

**Q112 Chair:** Mr Donaldson, that is a very interesting point. Let me ask you an immediate follow-up. If what you surmise is true—I have no insider information to suggest it either is or is not—against that backdrop, why would the British Government have appointed Shawcross, with all the attendant hyperbole of expectation that would clearly surround that appointment, if that “close your eyes, close your ears, close your mouth” deal had been agreed some little while ago?

**Kenny Donaldson:** It is smoke and mirrors. We have had many circumstances down the years with Governments where shadow-boxing has gone on. In terms of the people who actually stand to fight a campaign, the campaign in many ways is almost incapable of being won because a prior deal has been made. Yesterday, Mr Rashwan was very strong in his comments that this is an arrangement—I think he used the term “resolution”—that is binding and that is for other national Governments to take forward, aside from who actually made it in the first place. That commitment exists.

I do not accept that the matter is done and dusted, I have to say that. He also spoke of the issue of the frozen assets, and his assertion is that the frozen assets were obviously protected by the UN Security Council resolution—we know that—but he furthermore added that the interest on those frozen assets is also protected by that resolution. My understanding, certainly, is that that is not the case. Again, we need



transparency around all of that. What have the UK Government done with those moneys, and who authorised them being used in a different manner? There is a whole range of issues to probe around that.

**Chair:** Mr Donaldson, I do not know if I can be at all helpful to you on that, but the understanding of this Committee is that the assertion that the interest remains part of the asset frozen is correct, and the UK Government could not do a midnight raid on it. We know that the tax due on those investments has been received by the Treasury and has just been rolled into general income and expenditure, just into a general taxation receipt.

It strikes us that there are two ways of dealing with this: either the Treasury can retrospectively ringfence and effectively hypothecate that tax for the purpose for which you and others have been campaigning, or it can explore what quid pro quo, to use a phrase you have referenced, might exist to facilitate the defrosting of assets frozen via the UN resolution—we are, after all, a permanent member of the Security Council—but only allow that to happen if the Libyan Government step up to the plate and generate some funds for the specific and special purposes that we are talking about this morning.

You are right to say that there are a number of questions that are probably best answered by the Foreign Office. Rest assured that, as a Committee, we will continue to pursue those.

Q113 **Ian Paisley:** Welcome to our two new witnesses. I appreciate what has already been very well said. Mr Donaldson, can I turn to what you said about Saeed Rashwan and the interview that you shared with him? If it is the case that, diplomatically, this case is over from their perspective and that they have some sort of understanding with Her Majesty's Government about that, then the UK using the tax on the frozen assets is the only route that appears to be open to us. It has actually narrowed the ground. Your interview may have been very necessary in making it abundantly clear that, if we want to resolve this matter expeditiously, at this point the only way we can do it is by setting everyone else aside and encouraging Her Majesty's Government to allow the tax on the moneys that the Government have raised to be used for the victims of Gaddafi-sponsored terrorism. That appears to be the only immediate route that is open to us. It is tens of millions of pounds. Would you welcome it if we could get the Government on to that page?

**Kenny Donaldson:** I absolutely share the analysis that that is going to be the short to medium-term resolution to all of this. I feel that we could kick this around for another five or 10 years and it will still go nowhere, and more and more of those impacted will be gone. The Government need to understand something as well. They introduced a national piece of legislation in terms of the Troubles permanent disablement payment scheme. In fairness, that scheme would never have been legislated for in Northern Ireland. We know it would not have been because of the politics





and the refusal of a political party to accept that perpetrators of terrorism should not be included within that. We know that.

The national Government also need to keep time with the content of their own legislation. I hope Ms Quinton does not mind my mentioning the Enniskillen Poppy Day bomb. There were three sets of orphans left as a result of that particular bomb, but because those individuals were aged over 18 at the time, they were not viewed as dependants. They received zero criminal injuries compensation. In terms of the Troubles permanent disablement payment scheme, they will not be eligible because they were not present at the particular time of the bomb. If they were not present, they do not have an access point. The Government need to be very clear, when they use a trite remark—that other schemes are going to be developed by the Executive to compensate such individuals—that many people will not be supported, but the irony is that there are people on the very periphery of victimhood, who, through psychological injury, will possibly receive support through that scheme. That is crass and wrong.

**Q114 Ian Paisley:** Let me put something else to you about this. If our analysis is right and the only money available is the tax take that Her Majesty's Government now has, then Her Majesty's Government are completely free to determine how that money is spent. If that is the case, do you think Her Majesty's Government have already made up their mind and have cold feet, and are not actually ever going to do this because it might insult Sinn Féin, and ultimately there is some understanding or arrangement, so they do not want to open this hornet's nest, as they see it and as they define it, because that is really what is at stake here?

**Kenny Donaldson:** It is that question again. It goes to the matter of the Shawcross report. The words he used at the session where he gave evidence were that he was strongly advised not to speak to victims' groups or victims impacted by these issues. We need to establish who provided that advice and why he met with Sinn Féin in Stormont. What was the context of that meeting? What was the content of that meeting? We also need to be very clear on this.

The FCDO cannot but give an honest answer in this regard: are there outstanding decisions made regarding the UK in terms of the Benghazi issue, et cetera? If that is found to be the case, then the UK Government need to come out and transparently state that that is what the deal was about, but that now, having made that deal, they are going to adequately compensate those impacted though the tax issues or indeed any other finance they need to bring to the table. They cannot balk at this. If victims have been used as collateral damage once again in this process, they are deemed to have no value or currency. We really need to have this redressed. I share that view, Mr Paisley.

**Ian Paisley:** I am mindful of time and of other members, but it might be very useful to try to get our hands on that interview with Mr Saeed Rashwan.



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**Chair:** I have taken a note so to do.

**Kenny Donaldson:** Chair, I would hope to have the interview by the end of today or tomorrow morning. I would be happy to forward it across.

Q115 **Chair:** Mr Donaldson, that would be enormously helpful. This is not so much a question as an observation. I will be as critical as the next man where it is necessary, but the one thing that strikes me is that there was no particular imperative to appoint William Shawcross. It almost came out of the blue. If a “backroom deal” had been done and some sort of quid pro quo had been negotiated, it would seem to me bizarre then to appoint Shawcross to do anything. You would just let it sit in abeyance and still use the language of, “There is a lot of water under the bridge,” et cetera. You have raised important questions, which we will certainly seek to explore.

**Kenny Donaldson:** I would just say that victims and survivors were obviously around at that particular point, as they are now, and they were raising these issues; they were raising them with their MPs and with Members of the Lords. This was getting traction across Parliament. There was a group of 40 to 50 MPs very disposed to this particular issue. There had to be something done by the UK Government, but whether it was done from the point of view of finding a resolution, or whether it was done to give an impression of momentum being carried, that is another matter. I am sorry, but I do not take it that because there was an appointment, it was somehow their intent to find a resolution.

**Chair:** We hear that, and we will make some enquiries on those issues.

Q116 **Mr Goodwill:** Mr Donaldson, you obviously raised the context of the Benghazi attack in 1986, when American F-111s based in the UK carried out that attack. You did not mention, of course, that that was 10 days after the Berlin discotheque bombing, which was another example of Gaddafi extending his power outside his own borders and being involved with terrorists.

Having heard what you said—because we have not seen the report or even its terms of reference, we have to speculate—could it be that the problem we face is not a problem with identifying victims here in the UK and how we might allocate that money, but actually how the remainder of that cash could be deployed in Libya? It is moving in the right direction, but we have different factions in Libya and there is no real democratic process. Is it the concern maybe in the Foreign Office, in your view, that getting the money into Libya is the problem, not getting the money into the UK?

**Kenny Donaldson:** Mr Goodwill, thank you for the question. I am not close enough to the centre of the body politic to know that, but I certainly have never heard that raised as a particular issue. If the FCDO is before your Committee, I suggest that maybe those issues be asked of them. What you say in terms of the context is very important. We know that Gaddafi was obviously involved in the supplying of Semtex and other



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armaments pre-1986. It happened prior to that point. Again, I would suggest that his interest in doing so prior to then was perhaps about an affinity with the Provisional IRA and their so-called struggle for freedom, as he would agree with, but also that there may have been a financial benefit to Libya at that point.

At a point in the mid-1980s, when these matters happened regarding Benghazi, it became much more personal for Gaddafi, as well as being about the economic interests that would flow thereafter. In 1987, in terms of the Enniskillen bomb, I feel that it also needs to be probed as to why that bomb happened at that particular time, the context and whether the Libyans had any connection. It was attacking the very centre of what our UK way of life is about—remembrance—and I feel that there could be connections there.

What I would ask, through the Chair, is what efforts there have ever been down the years actually to proceed with a criminal-based approach in terms of the individuals involved in procuring that weaponry, from this side of things, from the Libyans? That all features in not wanting to rock the boat on a peace process. There are many aspects to all of this.

**Q117 Mr Goodwill:** The historical aspects are, in some ways, irrelevant to the fact that we know we have victims here in the UK. We know that money is sitting in investments and bank accounts here, and we want to see a way forward. At some point it is going to have to be addressed. The Shawcross report was supposed to be a way of unlocking that. What reason do you think is behind kicking it into the long grass again? I find it hard to understand why, if they have commissioned the report, they have not published both its terms of reference and the report, and the victims feel very aggrieved because of that situation.

**Kenny Donaldson:** It goes to the point that I have said. There has to be an agreement and a deal between the UK state at that time and the Gaddafi regime on these issues. There has to be a form of quid pro quo. It can be nothing else. Those issues really need to be delved into. I was quite surprised yesterday at the openness and frankness of Mr Rashwan within that interview. He actually spoke in the manner that he did, and he spoke with a degree of anger, I have to say. He was saying, "If this is pursued and there is a real effort to take from our legitimate assets, then we will essentially go back the other way." That is why we need to know whether there are any judgments in place against the UK, in terms of Benghazi and indeed any other issues.

**Q118 Mr Campbell:** Thank you to the two witnesses. When Mr Shawcross was in front of us, as well as earlier this morning, there was this issue that, in terms of any payments being made to those who have suffered now as a result of Libyan supplies under Gaddafi, it might in some way cause dissension or community division. For people outside Northern Ireland, that sounds ludicrous and absurd. In all the years that both of you, in your different and various ways, have campaigned for victims' rights, have you ever come across any sentiment like that: that payments to try



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to compensate and make some sort of redress might in themselves cause division or be the source of communal divide or political division in the wider community? I am not talking about political parties, who will all have their views, but among the wider communities in Northern Ireland and further afield.

**Aileen Quinton:** I have not heard that. It is a very difficult issue. I am particularly aware of police officers who have been murdered by gunshot, perhaps not linked to Libyan Semtex, and the whole context of a debt that can never be repaid. At the same time, it is just a really strange argument for not pursuing a legitimate course of action. You could say the same about the victim of an uninsured driver. Does the victim of an insured driver not get paid out because the system is unfair to the victim of an uninsured driver? It is a very dodgy way of going about it. It is just an excuse to avoid tackling the issue. I would hope, though, that for other people who are victims, if there are any legal ways open, those should be pursued. You cannot say that, because not everybody can be included, nobody can be included. Why are Northern Ireland victims being—*[Inaudible]*—in this case?

I want to touch on something that other people were asked before, and I am bursting to say it.

**Chair:** Yes, please burst.

**Aileen Quinton:** It is this issue about people who were bereaved: unless they were there, they would not receive compensation. That seems to make an awful lot of assumptions about how trauma works and how different people deal with trauma. In terms of the impact this has on victims, I am dyspraxic, on the autistic spectrum and have ADD. I did not get diagnosed until I was 40 because the trauma of what happened to my mother masked all that. I was struggling with all of that but not knowing why I was struggling. This was the last straw, even though it was a hell of a big straw.

The whole issue about how neurodivergent people deal with trauma just does not seem to be being addressed. When I told Gordon Turnbull, who is a world expert in PTSD, he said one of the theories is that how the brain processes the trauma—these things are about information processing—is that one side of the brain runs the video and the other side does the editing. If you have differences in how your brain processes, there are potentially differences in how you respond to trauma.

We are likely to be disproportionately affected, yet disproportionately not helped by a lot of the traditional methods, because they are based on what works for normal people. My ADD is about not being able to take my focus off things or keep my focus on things, so things that retraumatise you, like the way you get dismissed by Governments, are likely to be things that you cannot take your brain off. The video runs and runs without being effectively edited. Again, somebody has made an



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arbitrary decision that only if you are there can you really be deemed to have suffered trauma, and that is just not realistic.

Even without that, just on the Enniskillen bombing, a lot of family members were not there at the scene, but they were up at the hospital searching. One of my late brothers was in the hospital trying to find my mother, and he said you might as well have been in the operating theatre. The scenes that you saw, with people passing and injuries, was traumatising, even if you were not at the site of where the bomb went off.

It is another example: "We have these processes, and you must be affected in a way that these processes can handle. If you have been affected in a different way, you have to change how you are affected to fit in with our processes, because we are not going to change our processes to deal with the reality of your situation."

Q119 **Chair:** Ms Quinton, I do not know if you saw any of the statements that the Committee put out or anything that I said in the media, but a word I used to describe the current situation is that it was a cruelty. It was a cruelty to have heightened expectations and hopes, with all of the reawakening of trauma, upset, sadness, fear and horror that would be attendant upon that, only to end up with those rather icy and arid words of the written ministerial statement, which dashed all those hopes. There was a cruelty there to the human spirit, who hoped that the light at the end of the tunnel may very well have been becoming a little brighter.

**Kenny Donaldson:** If we were to adopt the particular psychology that came across in William Shawcross's remarks, what scheme would ever have been introduced anywhere? We have a Troubles permanent disablement payment scheme that will effectively relegate the vast majority of the bereaved to not be eligible.

Q120 **Mr Campbell:** Sorry, Mr Donaldson. To be fair to Mr Shawcross, he was indicating that he had been told this, and that is the worrying point. He was informed that this would be the case, and then he was merely passing on the correspondence.

**Kenny Donaldson:** Yes. I appreciate that. It is about who is briefing him on all of that. If they are close to the actual scheme, it is very concerning. This is a crude and horrible way to put it, but the reality is that, with the criminal injuries compensation scheme and the Troubles permanent disablement payment scheme, there are always winners and losers in that circumstance. For the people who are not facilitated, there has to be different ways in which those individuals are supported and provided for, because the issues of the bereaved are not going away.

In the 1970s and 1980s there were many circumstances where widows received under £5,000-worth of compensation, and substantially under it. Children who were in their teens received £500 when they had a loss of a parent. Many of those children had to leave school with no formal



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education to keep their family home operational. Those matters have never been resolved, and the Troubles permanent disablement payment scheme will not resolve them. That cohort of people still have to be looked after.

As I say, going back to my material point, that is no reason for this particular compensation scheme for victims of Gaddafi-sponsored terror not to receive their win. That must happen, and the greater majority of Northern Ireland would be supportive of that. I share the comments that were made earlier: the people who will not like it, of course, are those who did the deals and who were involved in inflicting that terror upon the population.

Q121 **Mr Campbell:** I have a quick rejoinder to both of you. Given your comments and the earlier comments of witnesses, which hopefully you heard earlier this morning, any hopes that the FCDO had of closing this down appear to be dashed. Do you agree with that?

**Aileen Quinton:** Do you mean in the fact we are going to suddenly stop talking about this?

**Mr Campbell:** Yes, that you are going to go away.

**Aileen Quinton:** Not a chance. They are going to have to hope that what happened to my brothers happens to me pretty soon, or that I take Gemma's route, and I think they would like that. That is the message we have been receiving over and over again. Because people like me are not likely to bomb London, we do not matter, and we should matter. The even worse message the Government have given me is that I would have been better off, in terms of being treated seriously, if I had become a terrorist, if my moral code had allowed me to inflict and bring to somebody else's door what was brought to my door. That is something the Government should not be doing. They should not be giving an incentive for people to do wrong. I should matter. Maybe I should matter even more because I will not bomb London.

**Mr Campbell:** Yes, I think you should.

**Kenny Donaldson:** I detect among people that there is now a will to recalibrate the approach and to examine what is possible, but I very much believe that there has been a veil of secrecy around these issues for too long. The UK nation is not doing itself a service either in all of that, because the reality is that the rationale should be put on the table for why agreements were made, as were made, but then you have to make sure you do right by the people who stood by you, whether they were members of the security forces, who represented this nation in those scenarios, or indeed the civilian population, who were the collateral damage of a grubby campaign by others. That is the point. The UK nation needs to stand up and deal with the innocent, the vulnerable and the oppressed within its own midst. It needs to get it sorted.

Q122 **Chair:** I am going to ask you some questions that are just for the record,



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so they will elicit just a "yes" or a "no" answer. I just want to get a canon of evidence here. I will ask the questions first to Ms Quinton. During the course of his work, did you have any contact with Mr Shawcross?

**Aileen Quinton:** No.

Q123 **Chair:** Did you have any contact from the Foreign and Commonwealth Office?

**Aileen Quinton:** Do you mean since his appointment?

**Chair:** Yes.

**Aileen Quinton:** No.

Q124 **Chair:** Have you had any contact from either since the publication of the written ministerial statement?

**Aileen Quinton:** No.

Q125 **Chair:** Have you had any overtures from the Northern Ireland Executive with regards to your thoughts about compensation, et cetera?

**Aileen Quinton:** No.

Q126 **Chair:** Mr Donaldson, I am not going to give you the challenge of remembering the questions, but I have set myself the challenge of asking questions that I have not written down. I will see if I can remember them. Did you have any contact, either proactive or reactive, with Mr Shawcross following his appointment and during his work?

**Kenny Donaldson:** We sought to make contact by telephone, and there were a couple of emails sent as well. There was one response received from Mr Shawcross, but that response was beyond the date of his work. It was to have been submitted by 31 March.

**Aileen Quinton:** I am sorry. I just remembered that somebody I know did copy me into something, where she had sent him links to my evidence.

**Chair:** There was nothing proactive from you.

**Aileen Quinton:** No.

Q127 **Chair:** Mr Donaldson, did you receive any overtures from the FCDO, subsequent to the appointment of Mr Shawcross, during the course of his work or subsequent to the publication of the WMS?

**Kenny Donaldson:** Zero. There never has been. Any conversations with the FCDO, or the FCO as it previously was, have been at our initiation. It has never been the other way around.

Q128 **Chair:** Were there any overtures from the Executive, given your experience and campaigning on this issue, to explore how they might deliver this? I make no criticism of the Northern Ireland Executive here, because there appears to have been no conversation between the FCDO



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and the Executive about this. Has anybody in the Executive contacted you to find out how this might be approached?

**Kenny Donaldson:** No. I should also indicate that, as a SEFF representative, I sit on the sectoral implementation group in respect of the Troubles permanent disablement payment scheme, and obviously it has not been raised. It was a trite remark that was made by the Government without any real understanding of the eligibility.

**Chair:** That is helpful. Could I thank you, Ms Quinton and Mr Donaldson, on behalf of the Committee for your attendance this morning? Can I thank you for the work that you do, and in a way, although it is not for me so to do, apologise for the fact that you still have to do it? It is deeply shameful and shaming that, all these years after the event, people, through no fault of their own, feel discarded by the Government, as clearly you have expressed this morning. That cannot be a good way to operate the Government and governance of this country.

When one considers the timeframe that this has covered, these are Governments of all stripes, which, for reasons that we may or may never find out, have not followed the route of France, Germany and America in securing compensation from a regime that effectively admitted culpability and provided compensatory funds. Mr Campbell asked one of those great lawyer questions, where one knows the answer before one asks the question: "Are you going away?" Just as Mrs Carrothers, Mr Ganesh and Mr O'Flaherty are not going to go away, clearly you are not going to go away.

If I can leave you with any comfort, and it may be a small morsel of comfort, this Committee, for what it is worth and what it can do, will continue to have your back. It will continue to ask questions and campaign on this, because the arguments of natural justice decree and dictate that we do so. Again, thank you, both, for your time this morning.