



Northern Ireland Affairs Committee

Oral evidence: [HM Government support for UK victims of IRA attacks that used Gaddafi-supplied Semtex and Weapons](#), HC 406

21 October 2015

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Written evidence from witnesses:

- [Paul Tweed, Johnsons Law Firm](#)

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Members present: Mr Laurence Robertson (Chair); Oliver Colvile; Lady Hermon; Danny Kinahan; Jack Lopresti; Nigel Mills; Ian Paisley; Gavin Robinson.

Questions 288-329

Witnesses: **Michael Gallagher**, Omagh Support and Self Help Group, and **Paul Tweed**, Senior Partner, Johnsons Law Firm, gave evidence.

Chair: Mr Tweed, Mr Gallagher, thank you very much for joining us. I think you are aware of the inquiry that we are carrying out, so I will not go into a long introduction. Thank you also, Mr Tweed, for the written submission you have given us. Just before we start, I need to bring Ian Paisley in.

Ian Paisley: Thank you, Mr Chairman. I have a declaration of interest: Mr Tweed is my lawyer.

Q288 Chair: Okay, thank you for that. Mr Tweed, perhaps you would like, by way of introduction, to give us a very brief opening statement. I know you have given us a written submission, but if you would like to tell us very briefly how you came to get involved in these kinds of cases and the work you have ongoing, it would be very useful to us, and then perhaps you would permit us to ask some questions. Thank you very much.

Paul Tweed: Yes, thank you, Mr Chairman and members. If I could say at the outset that my firm acts for members of all political parties in both Irish jurisdictions right across the board. I am just giving that by way of background, but it will become clear as we go through this.

During the 1980s and 1990s, my firm had one of the largest criminal injury practices in Northern Ireland. We acted for a very broad spectrum of claimants, ranging from servicemen to individuals injured on all sides. As a result, we gained not only a significant amount of experience in handling criminal injury claims but we also saw at first hand the dreadful injuries and trauma inflicted on the victims, and there is no one set of victims, in my opinion, who have a monopoly on suffering here.

In more recent times, I have been providing assistance to Michael Gallagher and his Omagh Support and Self Help Group, and a range of clients who I have not processed criminal injury claims but who have come to me for support on hearing of the work that we have been trying to do, to see if we can get some form of financial compensation from the Libyan Government; that would include people like Alan McBride, who lost his wife in the Shankill bomb.

As far as my stance on this is concerned, may I say at the outset that I think there are two fundamental issues I would submit to the Committee for consideration? One is the need to obtain access to the frozen bank accounts; I am not satisfied that that issue has been dealt with in any way properly to date. Secondly, if any moneys do become available, they need to be apportioned appropriately, fairly and across the board for all victims, not only in Northern Ireland but in parts of England who were the subject of bombing and other attacks. It is vitally important that one small group should not be entitled, or be seen to be entitled, to obtain a significant amount of compensation over and above other victims who perhaps have been quiet, for want of a better expression, and have not raised their profile.

I also think it is very important that one of the objectives should be to ensure that any moneys that do become available are also utilised for the benefit of the entire community or communities, either in the form of support for hospitals or other welfare projects, and I have made a few suggestions in that regard.

Q289 Chair: Thank you very much. Mr Gallagher, we have had the privilege of taking evidence from you before, so I think we know your background, but just by way of introduction, if you would like to tell us the details of that, briefly please.

Michael Gallagher: Thank you, Chairman. I will only speak for a few minutes. I represent a group called the Omagh Support and Self Help Group. That group was formed after the Omagh bomb, initially by, mainly, the bereaved. Over the past 17 years, the group has widened. We now encompass a wide range of members from both communities spanning over the 40 years or more of the Troubles. We are involved in a number of activities, including supporting victims who are facing issues around what used to be the enquiries carried out by the Government's team. We advocate widely on behalf of victims. Not to rehearse what Paul has just said, but over that 40 years there has been a substantial number of people—in fact over 3,500—injured, and we feel it is very important that their voice should be heard and, for that reason alone, I feel it was important to come here.

To illustrate that, I have a photograph sitting in front of me. The gentleman in the photograph is Gary Ewing with his wife. He was an RUC detective. He was 31 years old. He was stationed at Enniskillen police station and on the evening of 9 November 1982 he was acting as a part-time archery instructor at Enniskillen Forum. He left the forum

around 8.30 with another young woman, Helen Woodhouse, who was an assistant. They travelled a short distance and an under-car, booby-trap bomb detonated and they both died as a result. Gary was born and raised on the outskirts of Omagh. He married and had two daughters, one aged seven and one aged nine, and I am sure the panel can only begin to imagine the pain that that family would have suffered. One of those children is now on our management committee, and I just felt that it was important that you should see the face of that individual. This family is not represented in this action. Gary was an off-duty police officer at the time.

The other person that I will mention is a young woman whom I met first about 14 or 15 years ago, Pam White. Pam had just become a police officer here in the City of London and she attended a bomb incident at Harrods, and that bomb detonated. She was injured and psychologically damaged to the point where she never worked again. She has stumbled from crisis to crisis, yet Pam is not a person who would be entitled to benefit from the settlement, if there was a Libyan settlement. Pam would not benefit because she was a serving police officer at the time and on duty, and the rules of this action are such that you cannot be a member of the military actively on service, or a police officer. That, to me, is absolutely ridiculous, because when somebody puts a uniform on to defend their country or their community, they are not a legitimate target. Why Gary's family is not included I do not really know, but there are literally thousands.

I know this is centred mainly on the Semtex that was delivered from Libya in the early 1970s, but that Semtex has been disseminated, particularly since the Provisional IRA have had their ceasefire, because in our own case, in Omagh, the reputed leader of the Real IRA was Michael McKeivitt, who was a quartermaster who controlled the stores of ammunition and explosives, and I am sure there were others. In Omagh, homemade explosive—HME—was the bulk of the bomb, but the booster was made up of Semtex. Indeed, the headlines in one of the daily newspapers last week said that a man was arrested in possession of Libyan Semtex. I think that for all of these organisations—the Provisional IRA, the Continuity IRA, the Real IRA, the INLA, RAAD, the LVF and the UDA—that Semtex filtered down. The people who provided that were the Libyans, and they must take responsibility for the devastation that they caused in our community. While I fully support the victims and fully support those people who are taking this action—the action itself as far as the American involvement is dead in the water—the British Government has a moral obligation to all those victims regardless of whether they are Catholic or Protestant or what community they come from. This House has to be seen to be fair and balanced in how they deal with this issue, and this is a once-in-a-lifetime opportunity to have a real peace dividend, not only for the benefit of the victims but, as Paul has outlined, for the benefit of the wider community.

Chair: Thank you very much. It is very useful background.

Q290 Ian Paisley: Michael, the photograph and the story of the Woodhouse and Ewing murder brings back a wave of memories whenever victims do bring these aide-memoires in with them. I was about 15 years of age when that murder took place, and I remember when you talk about the archery lessons and all the rest of it, the guy doing ordinary community service and helping the community and then being brutally ripped from society, so thank you for provoking our memories, for putting that in front of us.

Paul, the Government Minister, when he gave us evidence on compensation, said that there was no basis in international law for us to take action. You have challenged that this morning. Could you tell us how you would challenge that in reality?

Paul Tweed: The first fundamental problem we all have is none of us have seen the legal opinion that the Government is basing this assessment on. I, personally, can see no reason why a summary of it and of the basic principles that they are relying on cannot be shared with either lawyers like myself or Jason McCue in private practice, so we can at least see what they are basing it on and we can challenge it. The sanction of asset forfeiture is included as a penalty in the statutes of virtually every international criminal court. You will be aware of the work of the Assets Recovery Agency and the CAB. The recovery of the assets of criminals—people guilty of a crime—such as the late Colonel Gaddafi is a basic principle that has been implemented by Governments around the world.

If you look even at the legislation involved, for instance, in the United States there is the 22 USC 8772 in the Terrorism Risk Insurance Act of 2002 to deal with the assets of the Central Bank of Iran. In 2014, the international Permanent Court of Arbitration awarded victims of destructive corporate state prejudice and shareholders of the company Yukos Universal Limited the amount of \$50 million against the Russian Federation. This is a principle that has been implemented by Governments around the world, and the UK, for some reason, feels it cannot do that in what is, to a large extent, quite a unique situation where the money is there, the assets are there under the UK Government's control. This is quite unusual, certainly for me as a lawyer, where you have a situation where a potential defendant's assets are clearly defined and totally secured. In my opinion and my experience, there has been no will whatsoever to aggressively challenge and see what, if anything, can be done from a legal or legislative point of view to seize all or part of those assets. I think it is of critical importance, because all the debates—even the discussion we are having this morning—are academic if we cannot get this, as Michael has described, once-in-a-lifetime opportunity to access these assets. How it is done is a matter, obviously, for legal debate; I suspect it will require legislative intervention.

Unfortunately, I am not a major believer that litigation is going to work here, whether it is litigation in America or litigation here. I think this requires Government will and legislative intervention. One of the problems that Michael, for instance, has faced was where litigation was brought, on behalf of his group of Omagh bomb victims, in the High Court in Belfast. To be fair to Jason McCue and Company, the lawyers did an admiral job. They drove the case forward, but the stark reality is that there was a seven-figure sum that had to go into legal costs, which most victims cannot afford. In this particular case it was done, but the net result is that not one penny has, as yet, been recovered for the victims of the bomb. With time, with the generation of victims getting older, etc, we do not have this luxury. Victims cannot afford to embark on this type of litigation. They are dependent upon the Government to take the lead and aggressively move forward.

I apologise if I am diversifying from the original question, but there is also an obligation on the part of the Government, on behalf of the taxpayer. Under Article 18 of the compensation recovery legislation, there is an obligation on a victim who recovers money to refund a portion of it to the Government. I am not advocating in cases such as this that the Government should seek recovery, but they have an obligation to the taxpayer to aggressively go after this money, to include the moneys that the state has had to pay out to victims so far, albeit a very modest amount compared to what a victim would get in a

traditional personal injury claim under common law. However, they still have that obligation to the taxpayer to look and aggressively chase after these moneys, and yet nothing appears to be done. We all attended various meetings of the Libya unit. We raised this: I raised it; Jason McCue raised it. We did not get satisfactory answers at all. Instead, we are told, “We are here to support you”, but for what? This is a fundamental question that needs to be answered.

Q291 Ian Paisley: From what you have said, it appears that the Government have thrown the towel in. Would that be a fair characterisation?

Paul Tweed: I do not know whether they have been in a ring in the first place. I do not think they got to the stage of throwing their towel in, from what I can gather. Again, I might be wrong, but there has been no transparency. We do not seem to know what is happening. I have been reading the evidence given before this Committee by other people, and certainly there are a lot of questions that need to be answered, and it certainly would not fill my clients, the victims, with any degree of comfort on hearing what has been going on—or what has not been going on, I should say.

Q292 Ian Paisley: Very briefly, other members will ask questions about your other proposal for the establishment of a benevolent and social fund, which I think is a very creative proposal. You have mentioned victims today and giving support to all victims in the end, and this should be about all victims. As you know, there are problems over the definition of who is a victim. We are not talking about perpetrators here in any shape or form, are we?

Paul Tweed: Put it this way: I am a lawyer and an officer of the court. It is not for me to define what a victim is. That is for politicians to decide. They must do that and I do not want to get involved in that. I am just making the simple statement in terms of what has been happening now, where only a select number of victims appear to be taking the lead here and getting the attention per se. Any financial compensation has to be for the benefit of all the victims and, ideally, for the entire communities that have been affected, but I would prefer not to get into definitions at this stage. That will be for the politicians later.

Q293 Lady Hermon: I am delighted to see both of you here. Thank you so much. It is nice to see you back, Michael and, Mr Tweed, it is very good of you to come across from Northern Ireland. In fact, maybe you live in London now.

Paul Tweed: No, it is Belfast.

Lady Hermon: It is very good of you to come and for the two of you to appear here this morning. A large number of questions spring to mind. May I just start by commenting on the written submission, Mr Tweed, which is very helpful to us indeed? Forgive me; it is not prying, but I will just read back this statement, which I think is very helpful: “My firm”—meaning your firm, Johnsons—“is more than willing to continue to assist victims, and indeed the Government, on the same pro bono basis on which we have been working to date”, so you, quite clearly, have been working on a pro bono basis, which is extraordinarily generous and I do appreciate that indeed. I am interested in the phrase that you are “willing to continue to assist” the Government. You have seen the evidence that we have been given and perhaps you have read through the evidence from Tobias Elwood, who was the Minister from the

Foreign and Commonwealth Office who came before us. Have you had an opportunity to ask for a meeting or to have a meeting with anyone from the Foreign Office?

Paul Tweed: No. We have attended the meetings of the Libya unit. I have had meetings with the previous NI Secretary of State and I have had meetings with various politicians, but I still have not seen the legal reasoning behind the Government assertion that under international law they cannot challenge these bank accounts. If I could see that—or any other lawyer; I am not putting myself forward personally as a particular expert—I would certainly like to give it a try, to see what options will be available to us to challenge that statement. At this moment in time, unless we see the reasoning, we have to take the Government at their word that they cannot do that. I am not suggesting that anyone is misleading or whatever, but I believe that no stone should be left unturned, Lady Hermon, to see what can be done here. I am prepared to do it and I am quite sure other colleagues in the profession would be more than happy to offer their services on a similar basis to do likewise.

Q294 Lady Hermon: That is very helpful. The frozen assets are substantial. We know, through a reply from HM Treasury, that the Libyan assets that are frozen in the United Kingdom are substantial. What about the interest that is accrued on those frozen assets? Is it free to the British Government to attach or to use it for compensation?

Paul Tweed: I am not an accountant and I have an array of figures that were given to me in the last 24 hours and, to be absolutely frank with you, an accountant would need to look at them, but one thing is clear. In terms of the interest earned, if, say, for the sake of argument, the total bank accounts' assets are \$9 billion, which is a figure that has been mentioned, but anything even close to that, since March 2011, just using a basic compound interest rate you are talking about a figure that could be anything between \$500 million and \$1 billion. That money alone could do an awful lot of good for victims and the community, if that could be released. As to where it is, as to whether it has been rolled up or whether it remains within the investment, I just do not know the answer to that, but I would really like to know and I think it would be very helpful to the Committee to have that information.

Q295 Lady Hermon: Yes. Is it your argument—I think it is, but I am definitely not going to put words into your mouth—that the Libyan Government is the Government that should give compensation for all victims of IRA violence? I need to have some sort of clarity here. Mr Gallagher, quite rightly, named INLA, Continuity IRA, and a long list of horrible terrorist organisations that have wreaked havoc in Northern Ireland, so is it for the Libyan Government and the Libyan Government alone to compensate all victims of whatever violence—IRA, INLA, Continuity IRA? Is that the argument?

Paul Tweed: Yes. We would submit that Gaddafi's actions extended and perpetuated the Troubles that caused so many victims to fall out, so it is not just a question of those victims who have suffered as a direct result of the supply of Semtex. We are arguing that this perpetuated the Troubles and the trauma and the suffering, and that all victims should be compensated proportionately and appropriately. It would be for a body to decide what is appropriate. Also it highlights the need for community projects to be implemented for the benefit of entire communities, not just in Northern Ireland but in England, where there was incredible trauma as a result of bombings, etc.

Q296 Lady Hermon: When you have looked at the many papers that you have during your time to try to bring justice for the many victims of terrorism who you have represented over the years—and well represented over the years—is there a suspicion at the back of your mind that something unusual, odd, or whatever word you would like to use, happened when Tony Blair was the Prime Minister, in terms of a deal or some sort of arrangement being made with the Libyan Government towards the end of his premiership?

Paul Tweed: I cannot give any direct evidence on that, because I just do not know. However, reading what I have read, including the evidence given before this Committee, there are certainly questions that need to be answered, if only by way of reassurance to the community. If they cannot be answered appropriately, I must say I would be absolutely appalled if it was the case that the victims basically had been ignored and that there was a last-minute attempt just to mention it and bring it into the equation. Again, there are very limited opportunities to get compensation at this stage. On the basis of what Mr McCue has said, there was clearly an opportunity at that point and that has gone. We do not want to miss the opportunity that is still there in terms of the assets that the UK Government still have control over at the moment.

Q297 Lady Hermon: Have you been able at all, at any stage, to uncover any evidence that the British Government did, in fact, in reality, make representations to the American Government that the American Government would espouse the claims of the victims throughout the UK at the time that the settlement was made between the American Government and the Libyan Government? Is there any evidence that the British Government made representations or leaned upon the American Government, which of course was a big friend at that time?

Paul Tweed: Again, I cannot give any direct evidence on that—I just do not know—but certainly we have not seen any benefit from it. I would have thought that this would have been something that would have been top of their agenda and would have been aggressively challenged, where they saw that the Americans were getting compensation for their nationals. To me, it beggars belief that we are sitting here today having this discussion and that all the UK victims have been totally ignored.

Lady Hermon: I think we are in agreement on that one.

Q298 Danny Kinahan: Paul and Michael, thank you very much for coming in. Paul, I was intrigued when you mentioned the bank accounts. Is that, as you understand it, the format that the frozen assets are in? I have often wondered if they are in investments in British companies or if they are in property. Do you know more about that?

Paul Tweed: I do not know. I am just basing it on press reports, but it is a combination of shares, bank accounts, investments in commodities and British companies, so I think it is across the board. I am depending on what I am reading in the press as opposed to having any direct knowledge of that. Again, that is information that, if the Committee were minded, it would be very important to know, so we know exactly what the financial target is, at the very least, and then the lawyers can fight over the legality of accessing it.

Q299 Danny Kinahan: I have asked a written question on that. I was also intrigued: you came up with some good examples of other countries where assets have been frozen and taken away from, and I think that was very helpful for us because it gives us an avenue to explore other things. One matter we have not really got a handle on is how we get to all victims. Whether or not we accept your idea that we should be compensating everybody, how do you see the best way of trying to formulate who all the victims are and getting the message out there?

Paul Tweed: Again, that will be for politicians, but I have suggested that a social and welfare fund be set up with a board of trustees. Once we get to that point, my view is that we are in a very good position, but the people who will make those decisions should be appointed with input from the victims, from Government, and from politicians across the board. Again, that would be outside my remit. My whole remit is to try to get a situation where we get there and then obviously all these various options can be explored.

That was just one idea that we were putting forward to try to see if we can make sure that everyone gets some form of compensatory benefit from what has happened. I would favour this way above exemplary damages or exemplary payments made, punitive payments, where individuals might get a Klondike-type award for one or two people. Instead, I think there should be compensatory payments made and people should be compensated for the loss and trauma they have suffered, but that any punitive payments should be put into welfare projects, such as hospitals or whatever. If necessary, if a portion of that money has to be refunded into the public purse to compensate for the vast amounts that had to be spent on either rehabilitating or treating victims or whatever, that is something that can be looked at. Again, that is something that is outside my field.

Q300 Danny Kinahan: That leads me on to what I would like to ask Michael about. Michael, thank you for all the great work you do. You talked about having expanded your group. If we take the Omagh bomb, for example, how much expanding in numbers has happened over the years as more people have come on board who would not necessarily have been directly involved, but have been significantly affected? Has it expanded in large numbers, whether it is for mental health or other issues, and is that something we need to be looking at as well? Is it something that just gets larger in time?

Michael Gallagher: With any organisation, over time it will fluctuate. Some people will move on; maybe you have helped them over that difficult period in their life and that is all they need. There are other people who need support for a longer period. We do welfare advice; we do counselling. We are not even funded for counselling, but we have two volunteer counsellors. We do a wide range of services, including educational and recreational events, so it becomes a bigger family, if you like, a pleasant place for people to go, and a safe space for people. If they want to talk about the issues that have affected their life, that is fine. If they do not, they know that we just understand. There are a number of us who, over the 17 years, have been at the forefront of that. Just sitting behind me is our chairperson, Stanley McCombe. Stanley's wife died in the bombing.

We have reached out wider than the Omagh bomb. With this Gary Ewing case that I mentioned, if I could just say this, about this time two years ago, my wife and I were at a car boot sale looking for Halloween decorations, and we came to a stall where a young woman had some. We bought them and were walking away when she said to me, "Are you Michael Gallagher?" I said, "That is right." She said, "I am also a victim." I said to

her, “I am sorry to hear that. What were the circumstances?” and she told me about her father and, just as Mr Paisley has said, I recalled that incident and I said to her, “Look, here is a card. If you need any support or help, or just want to be a part of the group and help others, you are welcome to come along,” and the following week she did. She was a very energetic person and she is still very much part of the group. That is just one person.

People say, “I did not realise. I thought this was just for the Omagh bomb victims.” We have a saying in the group that you do not have to have suffered to be a member of our group. You can be a volunteer. You can be part of what we do. We have a very healthy organisation, and by “healthy” I mean from the point of view that everybody is welcome regardless of their background. We do not ask them to leave their politics or religion at the door, but we concentrate on the things that unite us rather than the things that divide us, and that works very well. That is the reason why I have come here: to say to the Committee that there are others out there. I could fill this room full of pictures just like Gary’s, all deserving people from both sides of the community, who have done nothing wrong other than possibly do a job that some people disagreed with or be in the wrong place at the wrong time.

Danny Kinahan: Thank you, and please keep going.

Q301 Jack Lopresti: Mr Tweed, it is nice to see you. I was here a couple of weeks ago when we questioned the Minister on this matter. I cannot recall any disagreement in principle with the fact that the victims should be compensated by the Libyan Government at some stage, but do you not accept the fact that until there is a functioning Government in Libya, somebody to talk to and somebody to negotiate with, it is very difficult, if not impossible, to progress this matter? If you want to talk about failure and throwing in the towel, surely that goes back to the Blair and Brown Government, which did have the opportunity to get this sorted and the right compensation and justice for victims.

Paul Tweed: I would make two points. First of all, the moneys that I am talking about are, as I understand the position, in the name of the late Colonel Gaddafi, his family or trusts set up by him, so we have to distinguish that we have somebody who perpetuated criminal acts of the most grotesque nature and those are his assets. Now, you will say to me, “Hold on. That money was taken from the people of Libya,” but again this scenario has happened before. It may be a silly comparison that has just come into my mind, but after the First World War there were reparations taken from the German Government. There were a lot of innocent people in Germany at that time, but they had to pay the price for their Government’s—

Q302 Jack Lopresti: Germany had a functioning Government after the First World War.

Paul Tweed: Yes, indeed, but, first of all, is Libya going to have a functioning Government in my lifetime? That would be one point I would make back to that. Secondly, as far as I would be concerned, the Libyan Government as it stands today still has to pay a price for the actions of the previous Government, and so as far as I am concerned, this money should be accessible where it stands. Whatever is leftover—and I am not saying that the full \$9 billion or whatever is there should be used entirely for the benefit of victims and the community—the balance will go back to them. It may be, if we are being pragmatic, as an alternative to legislative intervention, which I think is

absolutely critical here, that there is a deal to be done with the current Libyan Government in return for releasing more of the frozen funds. Something may be done there, provided they are prepared to face up to the actions of the previous Government of Libya. Again, that is for politicians to decide. It is another option. I and my clients are open to any options here, whatever can be done.

Q303 Jack Lopresti: You still need a sovereign Government in place to deal with, negotiate with and put your case to, though, and that is not where we are at the moment.

Paul Tweed: Yes.

Q304 Gavin Robinson: Thank you, gentlemen, for being here this morning. Michael, can I just say that after the weekend—I think it was the second bomb alert in Omagh in as many weeks—we are all thinking of Omagh victims, because it must be harrowing to see the prospect of something so disastrous happening again? We were thinking of you all at the weekend as a town and a community.

There has been the ongoing suggestion during this inquiry that the Government have not been prepared to do as much as they could on behalf of victims of Libyan-sponsored terrorism, but yet just in this week and today, indeed, there has been permission granted to interview those associated with the Lockerbie bombing. Can I ask you, Michael, as a representative of victims, how that makes you feel?

Michael Gallagher: I strongly disagreed with al-Megrahi being released. I think he got a fair trial in the Netherlands in international court and he should have remained in a Scottish prison regardless of any health complications that he had. I am a human being; I understand these things, but I can well remember that night in 1988 when that aircraft disappeared off the radar. Yes, I think it is very important, regardless of the time between the events, that the people responsible for the heinous acts that were committed are pursued. I still see people being pursued who were involved in the death camps in the 1940s in Poland and Germany, and I believe that is right. As long as those people are alive, we should pursue them. In our own case, the man who was the reputed leader of the Real IRA, Michael McKevitt, has reportedly had some cancer problems and there was a move afoot to release him early. I totally disagree with that. I think he should still remain in prison.

Thinking back, we have been the only victims who have taken terrorists to court and I am very conscious that the lawyer who represented me in that case is sitting behind me. It was an important action. I believe that it was the right thing to do and I have dedicated the past 17 years to holding those people to account. If I have a regret, it is only that I have not been more successful, but we must pursue them and the victims are one avenue. I am very grateful for the legal profession, people such as Jason McCue and Paul sitting beside me, who have supported us in those actions. When we applied for legal aid in our own action—it was a significant action—the Government delayed the legal aid process. I know you will find this quite difficult to believe, but they fast-tracked the legal aid for the terrorists and it was only through embarrassing the Government, speaking in the United States and the United Kingdom and elsewhere, that we put pressure on the Government and we got then what was called “special status legal aid”. I was the lead

client in that action and negotiated a rate that would be paid back if we ever got money; that is an ongoing process.

I think that the process is not using victims. There are some victims who feel so strongly about what has happened to them, and I know Lady Hermon mentioned about these other organisations earlier on. I am sitting here as a person who is a victim of both parts of the IRA and also a victim of the Troubles and a victim of peacetime. I feel that, again, it is very important that we do not divide victims on this, but that we unite them. Mr Paisley mentioned about perpetrators, and I know that Paul answered in a very diplomatic and legal way, but I would certainly be appalled if people who perpetrate violence, the victimisers, benefited from their crime. I would certainly oppose that.

Q305 Gavin Robinson: I guess then, from what you have said, you would be keen that Government would pursue this compensation claim as vigorously as they are pursuing justice for the Lockerbie victims.

Michael Gallagher: I think it is their moral duty. Not only is it their moral duty, but it will send a message to other rogue Governments around the world that victims will come after you, and that has always been the message that we have wanted. It is a deterrent; as well as supporting the victims, which is important, it will also send that message regardless of time. We see it around this table. Tony Blair made some appalling decisions and we have suffered for that, but it is coming back now to bite Tony Blair and I would say to all of you who are politicians that your lifespan is quite a long one and the decision that you make today may be a very questionable one in the future.

Q306 Gavin Robinson: Thank you, sir. Mr Tweed, we were talking about the frozen assets in London, and I think we all agree that it would be useful to have sight of the Government's legal advice or at least the salient points of it. It was suggested to us in evidence that the assets were frozen for the benefit of the Libyan people and, more than that, it is reinforced in both resolutions to the UN and the EU. Have you got any understanding of those constraints and, on top of those constraints, have you considered then the remoteness of the damage to all victims if legal action was internationally upheld?

Paul Tweed: I would like to look at that in detail. I certainly would not accept anything that would suggest that that is a total barrier to compensation being paid, but I have no problem in looking at it in detail. I would be astonished if it is a situation that the Government, through agreements with the United Nations or elsewhere, have effectively sealed off any prospect that these moneys, which are due to criminal activity, should be frozen and the victims should be deprived in that manner. I would look vigorously and I would have experts in to look at it—as I say, if not me, whatever team of lawyers are deemed appropriate to go in there, but as I say, I could not accept statements like that, certainly.

In terms of remoteness, again that is why legislative intervention will be much more effective and more important than litigation. I have no confidence myself that litigation will work either earlier or at this stage. It has to be legislative intervention. The Government have to follow the examples of other Governments around the world and do the right thing here; that is the important thing. To start even contemplating further litigation of that nature would be a major disappointment to the victims.

Q307 Gavin Robinson: Just to assure you, as an inquiry we have asked for the information on both the resolutions and we still await it from the Foreign and Commonwealth Office. Finally, on your suggestion of a benevolent social fund, how do you see that either sitting alongside or, potentially, replacing the support that has been there in the Northern Ireland Memorial Fund with a board of directors and so on, as you will be aware, or, subsequently, the Victims and Survivors Service?

Paul Tweed: There is no reason why it cannot sit alongside. This was just a suggestion. This is just some means to give politicians food for thought as to how the moneys could be administered in the event that they are released. I know it is putting the compensation cart before the horse here, so to speak, but it is very important that there is an objective where the public at large can see that this is not a question of moneys being released for substantial football pools-type payments to be made to individuals, and that this will be administered properly, appropriately, proportionately and fairly for the benefit of all victims and for the community. As I say, this can either be run instead of, to replace, in parallel or whatever.

Q308 Oliver Colvile: Gentlemen, thank you very much indeed for coming to see us to give us your evidence, which has been very interesting and very compelling. Can I ask you: do you have any assessment as to how many victims there are collectively, both in Northern Ireland and also in the whole of Britain, who might be affected by this?

Michael Gallagher: This comes up particularly in Northern Ireland with the new Victims and Survivors Service. This issue is very prevalent. How does somebody qualify to be a victim? Is that the question you are asking?

Q309 Oliver Colvile: I think there is a slight problem here, and that is that I can quite understand there being victims in Northern Ireland, who you are very closely involved with, but there are an awful lot of other people as well who are on the mainland here. For instance, as you may know, I was in the Brighton bombing, though I was not affected at all, and I was in Harrods. To my mind, it seems that there are a number of people both here on the mainland and also in Northern Ireland, and we just need to have some understanding of how many people you estimate, or you think it is possible to estimate, are affected by this.

Michael Gallagher: I would think the Office for National Statistics may be a starting point. Everybody who is involved in a serious incident has made a statement to the police, because the police are the only people legally who can record the event. If they were seriously affected, they would then have made a claim through the compensation agency, so there are Government records. There is a mechanism to discover even the 9/11 people who came forward as bogus claimants; some of them were not even in the country. There is a protection there and we should use those Government Departments and the police records to determine the facts. If I come forward and say I was involved in the Harrods bomb, if I was significantly involved I must have made a statement to the police. If I was adversely affected, medically or otherwise, I would have made a claim through the compensation agency. There are mechanisms, but I agree with Paul: it is important to establish the principle of ring-fencing this money or a portion of this money and then determining the best way to use that money.

Q310 Oliver Colvile: I would argue that it is very important that you start off from the basis of finding out the number of people and have a register of those people who have been affected by this. That is the No.1 start to it, because once you have done that you have a list of people who need to be compensated and looked after. What then needs to happen, it seems to my mind, is that we need to have a very clear indication as to how this fund in Libya is being controlled. I think the point that Mr Lopresti makes is a very fair one, and that it is probably down to the Libyan Government and we do not know as to what that is going to be. The last time we had the Minister here, he ended up saying he was expecting there to be a fresh Libyan Government in place within two weeks, and now I understand there may be two versions of the Government in Libya as well, so that makes it very difficult too. It seems, also, that we have to have a better understanding as to how this money could be released and, as I understand it, that is very much down to the United Nations, because they need to end up by being involved in it too. Yes?

Michael Gallagher: Yes, but if the British Government go to the United Nations and make a powerful case for using this money by stating that this was a rogue state that disrupted a major part of the United Kingdom and, indeed, this city, I think the case could be made very strongly to the United Nations as to ring-fence either a portion or all—I do not know how much money is involved. That money should be used for the benefit of the victims and the community the victims live in. For example, at the moment there is a big debate going on in Northern Ireland about some victims who are very severely injured, people who have lost limbs, and whether there should be a pension set aside for those people. Those people were generally very young when they lost their limbs, when they were incapacitated. They could not work and work up a professional pension. There was a good case made for giving those people a pension. The stumbling block was that 98% of the people who were injured were totally innocent, but there were a couple of people who were involved in terrorism, so that becomes a stumbling block. These are the kinds of issues that need to be ironed out and money is always a finite resource and if you were putting that sort of money into the economy of Northern Ireland it could make a huge change.

Q311 Oliver Colvile: My argument is this is not just an issue for Northern Ireland, but for the whole of the United Kingdom.

Michael Gallagher: Absolutely, and I agree. We totally agree and I have mentioned Pam White from Harrods.

Q312 Oliver Colvile: My fear is that we have a tendency just to look only at Northern Ireland and that is the one that gets the headlines, but in fact what happened here in the whole of the country too is important.

Michael Gallagher: Absolutely, yes.

Q313 Chair: When we speak of victims, presumably we refer to, in some cases, relatives of victims as well, who have had their lives completely ruined by what has happened to their loved ones, for example. That is what we mean.

Michael Gallagher: Absolutely. We talked about Gary Ewing and his two little girls of seven and nine. Could you imagine losing a father figure and how that is going to affect the rest of your life and your outlook on life? We can make a difference to people like this and these people are not singular; they are in their thousands.

Q314 Nigel Mills: I assume if Libya were minded to do this they would want it to be a once-and-for-all deal, would they not? Is that something that can legally be done? In the States it happened by presidential order crossing out any future claims. Is that something you think victims, as a collective, would be willing to agree: “Okay, this is the number, it has been agreed and that is it”?

Paul Tweed: Given, as I say, this is a one-off opportunity, it has to be a global claim in one go. The money has to be decided upon whether it is through legislative intervention or otherwise, but to answer your question, yes, I do not see any other way of doing this. The truth of the matter is, once this money has been released or if it is released, we are all wasting our time. I do not think there is any prospect of this generation anyway ever having any hope at all of getting compensation.

Q315 Nigel Mills: Are there any other sources of compensation that could be pursued as well? Are there any other countries that have some blame for this that could be pursued?

Paul Tweed: There are a number of issues. First of all, there is the basic time limitation point, which would be a stumbling block in certain circumstances. Secondly, my view is, again, it is more the fact that Libya is the target. Their role in all of this is accepted. The financial assets are identifiable and they are there. For victims to start launching litigation against countries, the financial cost of that alone would be prohibitive, in my opinion. I just do not think that would be an option. I think this is a one-off and will be the only opportunity they have.

Q316 Lady Hermon: A few points have come up during the evidence session, and thank you both very much indeed for what you have said so far. Given that this is an extremely controversial and very tricky issue indeed, may I just, for clarity, establish whether there is a concerted effort being made by your firm, Johnsons, alongside McCue and Partners, Jason McCue’s firm? Is there a co-ordinated effort?

Paul Tweed: No.

Q317 Lady Hermon: Has any consideration been given to having a co-ordinated effort?

Paul Tweed: I am open to any suggestion if it will benefit my clients, there is no problem at all, but no, we have not co-ordinated.

Q318 Lady Hermon: Do you mind my asking if that is a decision that has been made? It just seems extraordinary that we have two leading firms of solicitors both trying to achieve

similar, not identical, goals. It would have been helpful maybe to have some form of co-operation or co-ordination in the effort.

Paul Tweed: We both would adopt a different approach to these matters. As I say, I am open and I have no problem whatsoever in liaising with Jason McCue if there was any benefit in that at all, but there has been no co-ordinated approach to date.

Q319 Lady Hermon: Right. Michael, I saw you nodding your head or were you shaking your head?

Michael Gallagher: As Paul has indicated, there are two different approaches here. There is the action taken by Jason McCue and Partners. I know there is some confusion around the numbers; I have heard numbers of 130, 150 and somewhere I have seen 200 mentioned. This is a very imaginative and bold thing to do. For me, the disadvantage is the narrowness of the action. For example, it centres on mainly the supply of Semtex because, in the early 1970s, one of the leading bomb disposal experts who went to Northern Ireland recognised that we needed to identify the sources of these explosives. At that time, the British Government talked to the Czech Government and they put a marker in the Semtex so that it could be traced. Basically, the Semtex is the main issue and it finishes at 1998. I could stand corrected on this, but my understanding is that these were the terms and conditions laid down by the American lawyers, not by McCue and Partners, and I think they are very restrictive. For example, Pam White, who I have just mentioned, was a serving police officer. No on-duty police officer or a serving member of the military who was on duty was compensated—for example, the two American servicemen who died in West Berlin and one young Turkish woman were compensated because they were off duty, but if they had been on duty they would not have been. It is a very narrow action, and in fairness to McCue and Partners, my understanding is that those lines were drawn by the American lawyers and not by the British lawyers. As Paul has indicated, everybody who has been affected and who can be identified should benefit from the action along with the communities. If we are talking about substantial amounts of money, we could have infrastructure such as hospitals and roads and schools that could benefit the community. Again, in the McCue and Partners' action it is very narrow and that is the difference. As Paul has said, these things can be negotiated if it is in both our interests to work together.

Q320 Lady Hermon: Yes. It was just a clarification, so that is now clarified, which is very kind of you. There is a very interesting quotation from Prime Minister David Cameron. This is in March 2012 and it refers back to the previous statement that you do not feel that the Government have thrown in the towel, but rather you feel that they have not got into the ring. This is a quotation from David Cameron in March 2012: "I see resolving the crimes committed by the Gaddafi regime as a top priority for our relationship with new Libya." Have you seen any evidence of it being given that priority?

Paul Tweed: I have not seen any evidence. How long ago was that? It was several years ago.

Lady Hermon: That was in March 2012.

Paul Tweed: Three years ago. I have not seen any. However, because we are not aware of the reasoning that has been going behind legal opinions or whatever, it may be that there has been aggressive action taking place behind the scenes, but we do not know about it.

Q321 Lady Hermon: Do you think it would be helpful to have a meeting with the Foreign Office now that, in fact, we are hopeful—and I emphasise the word “hopeful”—of having a Libyan Government? We had hoped and we have been given evidence that it would be before the end of October. If it is not the end of October, let us say in preparation, that it would be helpful for you, yourself, and perhaps Michael as well, if you were willing to go, to have a meeting with the Foreign Office in preparation, to fulfil this statement, this commitment by the Prime Minister that it is a top priority when there is a new Libya? It seems that might progress things a little bit. You have no objection.

Paul Tweed: I would very much welcome it. Likewise, I would be very keen to meet with the Attorney-General or whoever is giving the legal advice. I would very much welcome a meeting with them for an off-the-record discussion to see if they are happy, on a totally without-prejudice basis, to discuss their legal reasoning.

Lady Hermon: Let us hope the Attorney-General is watching this evidence session.

Chair: I think the Gaddafi regime had fallen by 2012, though, so there is probably a difficulty, because the Foreign Office Minister was quite clear that he could not really do anything until there is a Government to deal with. I know that is terribly frustrating for victims and their relatives, but it is probably the reality of the situation.

Q322 Ian Paisley: Paul, could you maybe tell us something about the meetings that you have had with the Foreign Office?

Paul Tweed: We have had various meetings, as I say, through the Libya unit and these have been attended as well by Jason McCue and his team. Again, I think we are all in agreement that, basically, we have been offered support in terms of relaying our voice, but there has been no proactive steps taken, in my experience, to move things forward. We have all diligently attended every time a meeting is called, either I or one of my lawyers attend it, but nothing has happened. To be fair to the unit, because of the changing political situation in Libya it has, obviously, been very difficult, but the problem is the unit's brief did not appear to include exploring and getting information for us to find out what happened. I raised the question a number of times as to the value of the frozen assets, what the legal opinion was and I know Jason McCue has done likewise, but we have not had any answers. We have met with various MPs and some have been exceptionally helpful, and there is definitely a will and sympathy there, but there has to be a focus at the core of Government, somebody who can make decisions, to speak to us to satisfy us that proactive steps are being taken before it is too late, because there is a finite time to deal with this, and my concern is that we are losing that opportunity.

Q323 Lady Hermon: I think you replied to Ian about the Libya-Northern Ireland reconciliation unit. You have not found it particularly useful, I think is what you are saying.

Paul Tweed: No. To be fair to them, there is a moving situation in Libya; it is difficult, as the Chairman has pointed out, and we have got to recognise that fact. I think that just reiterates the importance of focusing on these funds that we do have access to, which are, in my submission, within the Government's control.

Q324 Lady Hermon: Yes. In the evidence that has been given to us in previous sessions, it would seem that the key dates would have been certainly when Tony Blair was Prime Minister, from around 2006. Then he leaves office in 2007 and Gordon Brown takes over and then we have through to 2010, so the key time seems to be this phase from 2006 to 2010, which neatly coincides—and it is coincidental—with the Libyan Ambassador, Sir Vincent Fean, being in office. Did you at any time have the opportunity to meet with him and ask him, “What on earth is going on here?”

Paul Tweed: No, I did not meet with him, but we did travel to Tunis and we met with a senior Libyan Government official in November 2010. He listened to what we had to say. The only one mantra we got back was they would not pay compensation. The word “compensation” seemed to be something that they were absolutely against, but I did kick in possibilities of trying to do alternatives, where there could be a trade council or an exchange of trade—something that would provide compensation and would provide a financial benefit for the community at a time when we were losing the battle. He listened to me, but unfortunately, within a matter of months or perhaps weeks, the Arab Spring started in Tunisia, and that all ended up with nothing. However, in that period you have just described, in my respectful submission the likes of Tony Blair should have been looking at alternatives. I feel that he should have been putting the victims' case forward in terms of getting direct compensation, whether it is some form of trade deal the Americans did with the oil companies or whatever, but as an alternative he should have been putting forward other suggestions where a financial benefit could have been brought in, not just to Northern Ireland—and the point Mr Colville made is a very valid one; this applies to all the communities affected in England as well, whether it is Warrington, London or wherever. Any sort of imagination could have been brought to bear. I think there was a time when there could have been a deal done with the Libyan Government, albeit not very satisfactory and it would not have brought, if you like, the vindication that Michael and his team would have wanted, but it would have been something and at least the victims would have felt something was being attempted, but nothing seems to have been mentioned.

Q325 Lady Hermon: Do you think it was a missed opportunity?

Paul Tweed: Very much so.

Q326 Lady Hermon: Do you think that opportunity was missed accidentally, overlooked negligently or whatever?

Paul Tweed: Certainly on the basis of what I have heard, it would take a lot to persuade me that it was missed accidentally. I think it was expedient at the time, but again, I am always very conscious that I cannot give direct evidence on something I was not involved in, but based on the information we are getting now, there are questions that need to be answered. Unfortunately, it is too late and that is the problem.

Q327 Lady Hermon: I am sure you have looked at the evidence that has been given to the Committee and, from that evidence, it was suggested to us that Gaddafi had been very helpful to the British authorities in providing a list of the weapons that had been supplied to the IRA. In fact, it was suggested that that was the inventory that was used at the time of the IRA decommissioning. That being the case—other things we do not know about, but certainly that has been given to us in evidence—do you think there was some sort of arrangement made during the time of Tony Blair’s premiership?

Paul Tweed: Certainly that question needs to be asked. I have absolutely no doubt about that whatsoever. The Americans were able to do a deal and use a bit of imagination to get the compensation. Why could the UK Government not have done that as well?

Q328 Lady Hermon: You have been involved with the victims and campaigning for the victims for an awfully long time. Did you notice a change in tone or attitude towards you, from 2006, 2007 and then on? That seems, to me, to be the key time.

Paul Tweed: I had no direct contact with Tony Blair or at that level, but certainly it was quite clear that there was a thawing, obviously, in the attitude towards Libya and commercial interests were coming to the fore with oil and other factors. There is a logical conclusion that interests were confused, shall we say, in terms of what the priorities were and, at that stage, it was clearly a question of trying to improve Britain’s commercial interests in Libya and this appears to have been done at the expense of the victims. My point is the Americans were able to put their citizens first, so why on earth could Britain not have done likewise for theirs.

Q329 Lady Hermon: What is your level of expectation from the current Conservative Government over this particular issue?

Paul Tweed: There has to be pressure. Nothing will happen unless there is pressure put on the Government. I think there is a very heavy onus and responsibility on them while these assets remain under British Government control, and no stone should be left unturned, in terms of legislation or whatever needs to be done, to explore the possibility of finally getting financial vindication for the victims and the communities on both sides of the Irish Sea.

Chair: If there are no other questions, I thank the witnesses very much. It has been very valuable to us. Thank you very much indeed.