



Northern Ireland Affairs Committee

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

Tuesday 22 March 2016

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Written evidence from witnesses:

- [Foreign and Commonwealth Office](#)

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Members present: Mr Laurence Robertson (Chair); Oliver Colvile; Lady Hermon; Kate Hoey; Nigel Mills; Ian Paisley; Gavin Robinson

Questions 397–457

Witnesses: **Mr Tobias Ellwood MP**, Parliamentary Under-Secretary of State, and **Jonathan Dart**, Deputy Head, North Africa Department, Foreign and Commonwealth Office, gave evidence.

Q397 Chair: Before we come to the witnesses, on behalf of the Committee, I would like to express our shock and deep sadness at the loss of the family from Londonderry just a couple of days ago. It was an absolutely awful incident and we send our deepest sympathies to all the relatives and friends of those who perished. We are also shocked at the news emerging from Brussels today. A number of members of the Committee were in Brussels just last week and it really is an horrific story that seems to be unfolding from there. Again, we send our deepest sympathies and condolences to all those involved and all the relatives and friends of those involved. They are terrible incidents.

Thank you very much for joining us, Minister and Mr Dart. When we last met, Minister, the situation was that you could not really commit too much, because there was very great uncertainty about the emerging Government in Libya. It might be helpful from the Committee's point of view if we could start with that point. It would be very good to have an assessment from yourself as to what the situation is in Libya now with regards to the Government. Over to you. Thank you very much for joining us, but I think that would be a good place to start.

Mr Ellwood: Thank you very much indeed for inviting me here. I do have some opening remarks that consolidate things, but can I, too, begin by echoing your words on the very sad loss that happened in Londonderry—that was raised in the House yesterday during the

debate and David Gauke responded on behalf of the Government—and also, as you say, the unfolding events that are taking place in Brussels? Both cases are reminders of the importance of the work that we are doing in order to continue the battle to undermine and move terrorism from our streets, whether in Northern Ireland, here in the UK or in Europe—or, indeed, in Libya. I join you; we pass on our condolences to those affected.

Chair: Thank you.

Mr Ellwood: Thank you for the opportunity to speak again to this Committee. I am pleased that Jonathan Dart, the head of the Libya Reconciliation Unit, is with me as well. I draw attention to the meeting that was held on 7 March in the Foreign and Commonwealth Office, where I had the opportunity to meet a number of the victims groups. I will be having another such meeting with various family members and victims groups in Belfast this coming Thursday. Again, I extend the offer of joining me at those meetings that I have been holding. Some of you were there at the Foreign Office. You are more than welcome. That meeting that we had—the first meeting—was very constructive indeed.

Turning to Libya, which is the focus of this, I make it clear that I wish to be as helpful as possible, but, as a Foreign Office Minister, this is the area of expertise that I can offer. Questions about the details of what previous Governments did and, indeed, the details of Northern Ireland, as much as I can try to answer them, are perhaps better directed at the Ministers directly responsible for them. They may accuse me of eating their sandwiches if I venture too much into those areas.

We very much welcome the political process that has been taking place in Libya. The Libyan political agreement was signed at the end of last year, on 17 December. The House of Representatives has not yet voted to endorse the Government of National Accord—that is the critical body that will take through the transition in government—or, indeed, the Government's programme. The Libyan political dialogue met on 10 March and issued a statement urging the full implementation of the Libyan political agreement. This is an important milestone.

Let's make no bones about it: it has been a very difficult process to get hard-liners on both sides to agree to come to the table, but the statement of the LPD takes us forward in establishing the Government of National Accord as the Government of Libya and pushing forward a rapid return to Tripoli and the handover of power. The international community stands ready to help the new Government to address the difficult challenges Libya faces, including the fight against Daesh and people traffickers, and restoring vital public services for the Libyan people.

While important progress has been made with the political process to deliver peace and stability to Libya, the current political, security and economic situation in Libya still makes it difficult for victims and their families and representatives to pursue their claims. It is important to recognise that representatives of the victims groups have expressed an interest in travelling to Libya to pursue these claims. For the moment, we very much encourage anybody to look at the Foreign Office advice, which at the moment makes it clear that the situation there is too dangerous, but I very much hope that when the travel advice does change, I myself will be able to facilitate a delegation going to Tripoli in order to make this important case, which has long been on the agenda.

It is worth noting, though, that in a recent interview with a British newspaper, *The Observer*, the Deputy Prime Minister, Ahmed Maiteeq, referred to the formation of a committee to study the case of victims of IRA terrorism. This is welcome news. This means that you already have somebody in the very senior ranks of the Government saying they are willing to look at this. The Libya Reconciliation Unit will follow up with the Deputy Prime Minister on this in due course. However, even if such a committee is formed, progress is unlikely to be rapid. The new Libyan Government face significant security, political and economic challenges, as I am sure the Committee here will recognise, and we would not want to raise expectations too early that any settlement in victims' favour is likely in the immediacy.

I raised the issues of redress with the Libyan Prime Minister-designate when I met him in Tunis last November—I think I made that clear at the last meeting—and I also raised this with the former Foreign Minister, Mohammed al-Dairi. I say “former”; he has literally just stepped down. I have met him a number of times, but I most recently met him on 8 March, here in the UK. I also gave him a copy of the Jibril-NTC written statement on 2011, which I think this Committee has made reference to in the past. The Foreign Minister agreed to raise this with Prime Minister al-Sarraj as well.

We will continue to support victims in the attempts to seek redress and will encourage the Libyan authorities to engage with UK victims, victims' families and their representatives once stability returns and the security situation allows our embassy to reopen.

Q398 Chair: Thank you, Minister. I suppose in the whole scheme of things the last six months is not a long time, but when you last came in front of the Committee, we felt that something like October last year might be the point when we could start to move things on. Obviously, these things do take time. Is there any hope you can give to families as to a timescale when it may be possible for a visit to take place to Tripoli and when it might start to be moved on again?

Mr Ellwood: I would not want to say a specific time. All these things—international agreements, formations of Governments, transition processes—do take time. It is often the case that they take longer than people would expect, and certainly the media place pressure and want results immediately. No doubt the victims and the victims' families do as well. I will agree with you that the last six months have seen changes take place in Libya that we have not seen for many years. Take the talk of the formation of a committee: if you think of all the things that are going on in Libya and the difficulties that they are enduring, that you have a senior Government Minister committed to saying, “We will take a look at this” is very important and welcome news.

Prime Minister al-Sarraj is hoping to visit Tripoli. Even him going to Tripoli—going to the capital—has a number of risks. He has to establish himself there, create a profile and start to bring the country together. As I said last time, this is a very complex tribal country where, for over 40 years of misrule under Gaddafi, there was no ability for the institutions to grow and develop, so the institutions today are in a mess and they need to be rebuilt. There is a lot of competition for the priorities the country is looking at. Nevertheless, I do hope that I will be able to visit in the next few months. As I hope I have illustrated already, when I meet the leaders as they travel—it is sometimes easier for them to go abroad for

conferences and so forth—I take every opportunity to raise this matter. From a profile perspective, the Libyan Government is more aware of this issue than I think they have been for many years.

Q399 Chair: That is welcome progress. What will be the Government's attitude, though? Will it be to seriously engage with the Libyans with a view to helping victims and relatives of victims to get compensation, or would it be the Government's view that, because it is not a Government-to-Government issue as such, they cannot get too involved? What would be your attitude to that?

Mr Ellwood: We covered this in some detail; you quizzed me on why the Government are not doing more, perhaps, in comparison with other Governments. Forgive me; I do not wish to go over old ground. The position of the Government is firm. What I have said personally is that I am more than happy—as I hope I have illustrated by having met some of these victims groups already to hear their concerns—when it is safe to do so to conduct a visit with them to ensure that we can see the necessary people. One thing a Minister can do is make sure that the doors are open and that we are seeing the right people. The formation of this committee is critical. Again, this is early days, so we need to take stock of what this committee will do and how it will form, and then it may well be that we invite the committee to come to the UK. That might be a better way to expedite movement on this, rather than have the travel limitations the other way affect or delay progress.

Q400 Chair: That is very useful. Rather than dragging you in front of the Committee every month, it would be good if you could perhaps update us in writing over the next few weeks or as things develop. It would be very useful if you were able to do that.

Mr Ellwood: I won't take that as a slight on my company.

Chair: Not at all.

Mr Ellwood: I think that is a good idea, given the fact that—I say this cautiously—I have picked up a sense of frustration. You have been looking at this for a long time, and that became very clear in some of the comments and phrases that you used the last time I had the honour of sitting here. But I do believe that we are seeing the pace picking up, which is good news, and it therefore makes sense for me to write to you on a more regular basis to keep the Committee up to date, not least because I know you will be continuing with this investigation and looking at other aspects of it.

Chair: That is useful. Thank you very much.

Q401 Kate Hoey: Minister, I do not think any of us have any doubts at all about your personal interests in this. We welcome that very much, and I am sure the victims' families do. You have obviously looked through a lot of the past history, having had to read up and get acquainted with this to be ready to come before us, and you know who we have already seen and asked questions of. Is there anyone you really feel we should be having in front of us

here who perhaps might be able to give more personal detail of what went on during that particularly important time when you were not around, in the earlier days?

Mr Ellwood: The person who is pivotal to all this, if I read between the lines as to where this question goes—as I say, my focus and my contribution to this is on what we can do, looking ahead, to provide that bridge for discussion on the potential for compensation and discussion with Libyan Government, once a stable Government is formed. It is clear in my reading that Tony Blair is the person who would be helpful to provide some clarity as to what happened in the past and the decisions that were made. We obviously had a period when Libya was coming in from the cold and discussions were had in relation to the various terrorist incidents that took place. The Americans had an approach, as this Committee is more than aware, and it was also tied in with two UN Security Council resolutions—748, which I have here, is one of them, and 731 from 1992—that obliged Libya to stop pursuing any forms of terrorism but also to answer the questions in relation to what has happened. How these were then concluded and how we then moved on from that—how we went from a point whereby questions were being raised to there being no requirement for the Government to pursue further questions—I think is where Tony Blair could help you. I do not know if you want to add anything.

Jonathan Dart: There was clearly an approach from the Libyan Government to the USA and it is not clear from any of the evidence that I have seen why the Libyans did not make a similar approach to the UK, but the fact is they did not.

Q402 Kate Hoey: But do we know they did not?

Jonathan Dart: It is impossible to prove a negative, but we have seen no evidence that they did.

Q403 Kate Hoey: Well, so far he has not shown great interest in coming before us.

Mr Ellwood: I think you underestimate the power that you have. If you were to summon him here, I am sure he would answer your call.

Q404 Kate Hoey: We have had him before on other issues. There is a quote in part of the evidence that says there were “exchanges between the UK, Libya and the UN Secretary-General in which Libya clarified the extent of its support for the IRA.” Could Her Majesty’s Government and the Foreign Office produce copies of those exchanges? It would be really good to see those. I am sure it was not just one sentence; I am sure they gave some detail.

Mr Ellwood: We can certainly take that away and consider that.

Q405 Kate Hoey: That would be really helpful. Finally, because I think others will want to go into the whole compensation issue, do you feel that absolutely nothing can be done about the frozen assets? Have frozen assets from other countries ever in the past been gone into by

our Government, and what allowed that to happen that would not allow it to happen in this case?

Mr Ellwood: We did venture down this avenue at the last Committee hearing, and the position of this Government—and, frankly, of successive Governments in this case—is very firm. We pride ourselves on being a place where individuals, companies and, indeed, Governments can place funds and assets knowing that it is a safe place to do so. We would change the reputation of Great Britain if we were to breach a precedent and not honour the ownership of those assets. In the same way, Syria or other countries have assets and you could easily morally argue, “Why can we not look at those? They are here. The country that owns them”—or the leadership—“does not deserve them,” but that is not our call to make. Not only is it a reputational issue, as I say, but it would be illegal, because those assets belong to the people of the country, not to any individual leader as such. You also get into a very tricky area—that is to say: how much are you going to take away? The assets are in the region of—

Jonathan Dart: The frozen assets are around £9.7 billion. I think that was the figure.

Mr Ellwood: Nine billion. So how much of the assets are you going to take? Who are you going to divide them up to? Who is going to be the judge and jury on that? That takes you into a new precedent as well.

I would just say this as well. Given the progress that we have been making, when we now have a committee being set up to say, “I am actually willing to help with this,” even the discussion of tapping in to the frozen assets or suggesting that we were wishing to pursue it would perhaps be harmful. But I absolutely recognise after so many years with this big pot of money sitting in our own country how tantalising it is to say, “We should really have some of that and wrap this up.”

Q406 Kate Hoey: I understand that. Just on a technical thing, does anyone get paid for looking after these assets? They are sitting somewhere. There must be some bank or somebody somewhere getting paid for doing this. Could some of that money not be taken?

Mr Ellwood: You are now looking at the interest that is made on that, but, again, that also belongs to the state or to the individual—

Q407 Kate Hoey: But who is looking after the assets? Are they sitting in a big dungeon somewhere? I don’t know. I am genuinely interested. Where is this £9 billion physically?

Mr Ellwood: I do not think it would be in the dungeons; it is probably a digital figure somewhere. It is normally in various banks, I would say.

Q408 Kate Hoey: And are the banks getting any money for looking after it?

Jonathan Dart: That is a private matter for the banks.

Q409 Kate Hoey: Presumably the banks are being paid a large fee. Are we at least able to be told which banks are holding this money?

Jonathan Dart: I do not think so. There are banking privacy issues.

Mr Ellwood: It would be breaching a number of levels of confidences, for the very reasons I have pointed out before. Again, I make it clear that on principle you are making it clear that this is a safe place for Britain—and our financial services industry is important to this country. This is not to be disingenuous to those who are seeking compensation, but, as I say, I do not think this is a cognitive approach to securing compensation.

Q410 Kate Hoey: But if any of it was being held by one of the state-owned banks, presumably the Government would know; we would have a right to know. There must be people in the United Kingdom who are making money out of this £9 billion sitting in banks, yet the victims, who would not be wanting or would not need anything except a tiny percentage of this, seem to be able to get nothing.

Mr Ellwood: Again, I pose the question: are you going to make the decision as to how much is taken away? Who does that? That needs to be through an agreement, and every other country in the world, whether developing or otherwise, would then be asking themselves, “Should I put any money into the UK? Should I use British banks?” As I say, that is a very dangerous precedent and, given where we are with discussions and with the formation of a Libyan Government, it is not one that I believe is an appropriate strategy.

Q411 Kate Hoey: If nothing happens or changes in Libya and this committee is a complete waste of time and nothing really happens, at what stage would you consider going to the United Nations or the EU to get agreement to look at some of these assets?

Mr Ellwood: Again, the fact that we are even speculating about this would send the wrong signals to Libya about our seriousness about meeting them. The committee is now being formed and so forth, so I would be hesitant to even answer that.

Q412 Chair: Just finally on that, the lead Department presumably is the Treasury.

Mr Ellwood: It is the Treasury. Therefore, they will be able to provide all the information for you on which dungeon it is kept in.

Q413 Ian Paisley: Thank you, Mr Ellwood, for your commitment and perseverance with this issue. It is appreciated and we know it is genuine. I hope to join you later this week in Belfast with the victims groups.

Mr Ellwood: Good. Thank you.

Q414 Ian Paisley: I was interested in what you said about Tony Blair—that he would be a good witness. It might surprise you to know that in our communication with him he does not think as highly of his insight as you do. Maybe he is afraid that his current career is about explaining his previous career. But I certainly think we should take forward your indication that he is someone we should talk to—and sooner rather than later.

Could I turn to comments recently made by President Obama about the United Kingdom's intervention in Libya? I wonder if you could indicate to us if those comments have been in any way helpful or unhelpful. Is there another agenda there that we need to be aware of? It appears that wherever settlement in the world appears possible and wherever there is oil, America becomes very blind even to its special relationships.

Mr Ellwood: Given the world that we are in—politics—we give interviews to all sorts of organisations that are used in different ways. The US ambassador was asked to comment on this and it is best, if you are not familiar with what he said, to place it into context. Many interviews are given and spin is put on them. The United States remains a firm, important and trusted ally—the closest ally that we have—and they played a pivotal role, not least in the heavy airlift that was needed in Operation Ellamy. In fact, at the start of it, much of the HQ element was provided by the US itself.

In the greater context, President Obama is right to raise concerns about the length of time it has taken for Libya, since that intervention, to establish a unity Government. There are many reasons for that. We should remember that we had elections in the country and a Government was actually formed in which positions were filled. Unfortunately, as I have said before, with so many tribal systems that were denied any space to develop, no societal development took place for 40 years. There was also a desire in 2012-13 from the Libyans to want to do it themselves, and the international community was kept at arm's length. Maybe we should have been a bit more forthright in providing support to the important institutions across the board, but, sadly, we ended up with factions developing and the tribes elbowing each other for space, territory and influence. We have ended up today in the very precarious situation whereby, yes, we now have a Government of accord and a Prime Minister, but there are areas on the northern coast where extremism has embedded itself. That is of massive concern. I think that is the focus of what President Obama was driving at: that the international community must redouble its efforts to make sure that we provide the necessary stability for the institutions and, indeed, for security so we do not go round this buoy a second time.

Q415 Ian Paisley: And there was not a sense that he was—to put it in the parlance of everyday language—slagging off the Brits.

Mr Ellwood: I do not concur with that, no.

Q416 Ian Paisley: It certainly felt like that. One looks at the US record around the world and there is a bit of kettle-calling here. Iraq was hardly America's finest hour in terms of settling the country.

Mr Ellwood: I personally spoke out against Iraq in 2003. I did not see Saddam Hussein as an international threat. Threat is a combination of the ability to do harm—in other words, you have weapons systems—and the desire to do harm. When you have both, you can do harm; if you have one but not the other, you can say what you like, but if you do not have the weapons systems you cannot do harm. I did not feel that was an engagement that we should have embarked on.

Afghanistan was different. There was an article 5 response to an attack on 9/11, and it was used as a base for terrorism that was effective right across the world, from New York to Bali. But again, without going into too much detail, where it is relevant to Libya is, while we are good at defeating the enemy, we are less good at enabling the locals to continue life and to move forward. It is the stabilisation that is as important as defeating the enemy in the first place.

Q417 Ian Paisley: Following our previous session with you, you indicated in follow-up evidence to this Committee that the Reconciliation Unit was looking into the fact that the US victims of the Harrods bombing were compensated under the US-Libya claims settlement agreement. What was the outcome of the unit's discussions with the US Government?

Mr Ellwood: The agreement that took place between the Libyans and the United States—and this is where I think Tony Blair could perhaps add some value—was a desire from Libya to come in from the cold, and the only way that they were going to achieve that was by mopping up all previous issues, including the Lockerbie incident, and outstanding claims that were being made. I don't know if Jonathan wants to add to this, but to put it very simply, a sum of money was then passed across by Libya that was then divided. I do not know if it was confirmed that that included the Harrods victims.

Q418 Ian Paisley: Yes, there was a US victim in the Harrods bombing.

Mr Ellwood: But the agreement was that there was a sum of money that was then distributed, on condition that any legacy claims were then removed. I think the Berlin discotheque and others were then all cleared up and it did not continue from there. The question then is: why did Britain not, or should Britain have—and I do not know the answer to this—

Kate Hoey: The United Kingdom.

Mr Ellwood: I stand very corrected there. Thank you: the United Kingdom. What discussions did we have that did not lead us to do something similar to that? Would that be fair, Jonathan?

Jonathan Dart: On the specific point that was raised, we know now that there was a Harrods bombing victim compensated. We had previously tried to find the name of this victim. Of course, the name was protected by the US, but we did, having done a trawl through all of the claims that were settled under the Libya claims settlement, find one that was described as a victim of the Harrods bombing. We do not know the name of the victim, but we do have a very strong supposition that there was a Harrods victim in that

claim. The reason an American victim of the Harrods bombing was included and UK victims were not was that under the terms of the agreement that the Libyans struck with the Americans, the Americans would settle all claims that were outstanding in US courts at the time of the settlement and would absolve the Libyan Government of any responsibility for any acts of terrorism that were committed prior to 2006. That was a condition for the payment.

Q419 Ian Paisley: Jonathan, I understand that, but we have been fed a diet for the last while and the Government have asserted a position that the compensation of Lockerbie victims was a completely separate matter—stand-alone—and everyone else was forgotten and, “We’re really sorry about this.” Now it transpires that that is not the case—that the compensation was for every single American victim—

Jonathan Dart: It was for every case—

Ian Paisley: For every single incident. I imagine maybe if some investigation was done and it was ultimately found that there was an American victim killed by Semtex from Libya in Ulster at some point, that victim would also be included under the remit of that. Yet here we have a situation that British victims and other non-American victims are completely discriminated against. This is appalling.

Jonathan Dart: The text of the agreement was settlement of all outstanding claims at that time in US courts against the Libyan Government for acts of terrorism. It was then up to the US Government to decide how to use the money that it was given by Libya to settle those claims.

Q420 Ian Paisley: At what point did you become aware of the Harrods victim?

Jonathan Dart: From when I first started here I had heard that there was a Harrods victim. I asked, “Well who is this? Can we be sure?” I asked the team to look into it and they could not find out. We then went to the embassy in Washington to ask them, because we had this constant rumour that there was someone but we did not have a name, and then when research was done—

Q421 Ian Paisley: Well, the name is not really important to us. I understand that that should remain sensitive; the person is entitled to their privacy. But at what point did the FCO become aware that the partition over Lockerbie had leaked?

Jonathan Dart: Anybody who read the text of the agreement would know that the settlement that Libya provided to the US was to settle all claims that were outstanding in US courts. To have proof that there was a Harrods victim, I was under the impression we needed a name: “Who was this victim?” If we could say, “Yes, that was a Harrods victim,” we would know that a Harrods victim was compensated. We never had that name and so we could not find this evidence. But when we asked the embassy in Washington to look into it, they trawled through a list of all of the claims that were settled under the Libya claims settlement agreement and identified that within the text for one of those claims was

reference to the Harrods bombing. That indicates that there was a victim who was compensated.

Q422 Ian Paisley: Very finally, you have indicated, Mr Ellwood, that there is potentially light at the end of this very long tunnel. For a long time all we have been thinking about is more and more tunnel, but there might potentially be some light flickering at the end of it. Is there an option for Her Majesty's Government to set up their own compensation mechanism and to pay over something to assist the victims in lieu of the fact that at the end of this tunnel Her Majesty's Government may be able to make an agreement with whatever Libyan authority emerges—to deal with the victims now and help them now? If this goes on another five or 10 years, many of these victims and their families will be not only forgotten but probably perished and dead themselves. Why don't we do something now for them under the aegis of Her Majesty's Government—paying in lieu of getting their hands on some money eventually from Libya?

Mr Ellwood: This is a question that I raised with the Northern Ireland Secretary and at the moment I would not venture further than that. As I say, my focus and remit at the moment is what we can do with Libya.

Q423 Ian Paisley: Do you think it's a runner?

Mr Ellwood: As I say, it would be wrong for me to make any commitment like this or even to raise hopes from this perspective. As I say, my focus is on—and I think there is merit in seeing—what we can do in not waiting for travel bans to be lifted but inviting the heads of the committee or, indeed, the Deputy Prime Minister to the UK in order to pursue these discussions.

Q424 Ian Paisley: It would be too soon, obviously, to raise with the group on Thursday the issue of the British Government paying the compensation in lieu, but is it something that you could look at for a future meeting?

Mr Ellwood: Well, things have changed now, because, of course, the criminal injuries compensation scheme did not operate during this period. It does now, and I am heavily involved in dealing with those who were connected in the Sousse bombing, from the mental health screening and treatment programmes to the injured and, indeed, the bereaved as well. The package of measures has advanced hugely. I know there is a slightly different system in Northern Ireland that runs slightly differently from the Criminal Injuries Compensation Authority, but in fact only a couple of years ago did this system move to extend overseas. It stopped at the port of Dover and your travel insurance did not even cover any terrorism at all, so you lost out on two aspects. That has changed now. The machine to support those victims of terrorism is very different today than it was when these events took place.

Q425 Chair: You mentioned Mr Blair in response to an earlier question. Since we last saw you, we have had a letter from Mr Blair, who on several occasions said, “The issue of compensation for the victims of IRA terrorism made possible by the provision of material by the Gaddafi regime was not an issue raised with me, as far as I am aware.” He repeats that a number of times in the letter. Are you surprised by that?

Mr Ellwood: I would be puzzled to understand that discussions with the United States were taking place concurrently. He should have been aware of that. Therefore, there are questions as to what the position is from the British perspective. The British and, indeed, other Governments—the French, I think, and some others as well—were pursuing questions and wanting answers from the Libyans themselves, so this was a topic that No. 10 was aware of. As I say, if the United States were able to secure essentially a political deal, then yes, I am curious to understand why Tony Blair felt that this was not coming on to his radar or, indeed, he was not raising it. That is why it would make sense for him to clarify by taking the seat that I am currently sitting in.

Q426 Lady Hermon: It is nice to see you back, and thank you for coming back to give us further evidence and an update on the position in Libya. Following on from your reply to the Chairman, may I just quote the opening words of a reply that you gave me in a written question on 29 October last year? This is the written reply that you gave me: “When it became clear in May 2008”—that is a year after Tony Blair had left office, so it is Gordon Brown who is the Prime Minister—“that the US and Libya were proceeding on a bilateral agreement to settle outstanding claims, the UK Government made representations to the US and Libyan authorities to include UK victims of Libyan-sponsored IRA terrorism on the list of recipients.” That was in the written reply, so that must be based on evidence in the Foreign Office that representations were made. What representations were made? Now, this is clearly in May 2008, so, if we are going to have Tony Blair, what was the role of Gordon Brown in May 2008? What representations were made by the British Government that you have evidence of in the Foreign Office?

Mr Ellwood: Given that this was before we were around, it is something that we are going to have to get back to you with the information on. I cannot say what Gordon Brown was saying. I can say that the deal that was made between the United States and Libya excluded anyone who was not a US national. That was, I think, by US law. It limited what could actually be done. But I am happy to take that point away and get back to you, if that is okay.

Q427 Lady Hermon: Yes please, because obviously, there must have been evidence for those who drafted the reply to the written parliamentary question to show quite clearly that the UK Government made representations to the US Government and Libyan authorities.

Mr Ellwood: Have you invited Gordon Brown here?

Lady Hermon: We have written to him.

Chair: We had a response from Mr Brown, but again not a terribly full response. We are considering what to do next on those two possible witnesses. But if I could just take that

other point, the point is right, because the conversation was in 2008 and that must have been in the process while Mr Blair was in office and then taken up by Mr Brown. So, we are puzzled that—

Mr Ellwood: It would have spilled over into Gordon Brown's time.

Chair: Yes. We are puzzled by Mr Blair's denial of it being raised with him.

Mr Ellwood: I think what would be interesting would be inviting them together.

Lady Hermon: That would be a very long session.

Chair: Well, we will discuss your evidence, Minister.

Mr Ellwood: You might have to have a private session.

Q428 Lady Hermon: Yes. I am very grateful for the offer that you will provide this Committee with evidence that—

Mr Ellwood: I did not quite say that. I said we will look into what we can do. As you know, we are subject to some caveats and restrictions, but where we can be helpful to the Committee on this particular matter, we will absolutely do our best to do so. As I say, the reason it is wise to invite the people who made the decisions is that there is information in the Foreign Office that we can ascertain but the spirit behind what was going on can only be provided by those giving evidence who were in authority at the time.

Q429 Lady Hermon: I do accept that point, but I thought that we had agreed that when you had signed off on a written parliamentary reply that the UK Government made representations, there had to be evidence of that. It is the evidence that the UK made representations in May 2008 to both the US and the Libyan authorities that this Committee would very much appreciate.

Mr Ellwood: We will certainly do our best to try to honour your request.

Q430 Lady Hermon: Thank you. You have said in your evidence and in your written submission to the Committee that the British Government will encourage victims to seek redress. What form does that encouragement take? How are you going to encourage victims to seek redress?

Mr Ellwood: This focuses on what my part of the jigsaw is—that is, as requested by the victims, the ability to have a discussion with the Libyan authorities. This is the whole purpose of my involvement—and, indeed, to meet the various victims and groups. That is how we will move forward, and I believe we are making progress here.

Q431 Lady Hermon: I find that there is now a contradiction between the evidence that was presented to us before the Committee and what you have just said in evidence. The line that was taken earlier, and certainly when you appeared before us in the last evidence session, was that the onus was on the victims to go and seek individual claims of compensation.

Mr Ellwood: It is. The legal claims will be done. We are not going to be representing anybody in court. But if there needs to be and can be a facilitation of the meetings and encouragement—indeed, I am pleased to see the committee has been formed. I have mentioned this on a number of occasions. This committee has come about, so, clearly, there is a desire from the Libyans to look at this matter. The more that I can do as a Minister to ensure that those conversations take place and move us forward—but there is a line: neither I nor HMG will be pursuing or espousing this to the degree to which the Committee has asked. We went round this in some detail the last time I sat here.

Q432 Lady Hermon: Yes, and I am terribly sorry, but we might just have to go round this issue again. In your written submission to the Committee, you very kindly provided the criteria that have to be met if the Government are going to espouse a claim under international customary law. Which of the criteria do the UK victims of IRA Libyan-sponsored violence not satisfy? I have no understanding of why the British Government are not espousing this claim on behalf of UK victims of IRA Libyan-sponsored terrorism. I cannot see a single criterion that they fail to meet.

Mr Ellwood: Do you want to go through this, John? You have the article there. This was not a decision made by this Government; this decision was made by a previous Government. We looked it at and then continued on. It is not a single claim, either, is it, if we are honest? How many claims does this include?

Q433 Lady Hermon: That is the whole point. With the greatest respect, David Cameron has been the Prime Minister since 2010, so the attitude of a previous Government is neither here nor there, really. We would like to understand how we have got to this position, but you have been in government, with the greatest respect, since 2010. What is so interesting is that the assets in fact were frozen by UN resolution and by the EU authorities in 2011. The assets were frozen in 2011. So, what did the coalition Government do when they took over in 2010?

Mr Ellwood: Are you suggesting that there was a window in which we could have taken any assets because they simply were not frozen? Is that what you are implying?

Q434 Lady Hermon: Yes. I would like to know what effort was made in that year.

Mr Ellwood: The reasons are as pertinent whether they are frozen or unfrozen. What right do we have, and what judgement do we make, to take any funds that are placed in the UK without the approval of the organisation or the state that owns those funds? You are stepping into a very different chapter and reputation from a British perspective if you embark on that. Who is to say how much we take and how we then distribute it? These are very difficult questions to answer. I understand why, particularly as it is sitting in this

country, but, for the same reasons as I mentioned earlier, it is not something that Britain would encourage to go down; and, again, it is a breach of international law. Do you want to add anything?

Jonathan Dart: I just think that the question of frozen or unfrozen is a bit of a red herring. There are unfrozen Libyan assets in the UK and there have been for many years.

Q435 Lady Hermon: Sorry. It is a red herring whether they are frozen or unfrozen?

Jonathan Dart: Yes.

Q436 Lady Hermon: We have heard arguments about why we could not possibly touch the assets because they are frozen and we are bound by international law and a UN resolution, but what about when they are not frozen?

Jonathan Dart: When they are not frozen, the question remains the expropriation of the assets.

Mr Ellwood: It is the permissions. What permissions do you have to do that?

Q437 Lady Hermon: Well, the answer seems blatantly obvious to me. There is a moral obligation on this country to defend victims of IRA Libyan-sponsored violence—a moral obligation to have said to the Libyan authorities, “We need compensation for these people.” That seems to me perfectly clear and obvious.

Mr Ellwood: And is it morally right to then take money away from a state that does not belong to us? This money belongs to the people of Libya and therefore needs to go back to the people of Libya. We can make the case to say, “You have these frozen assets”—or assets, as they were back then. “Why not make good use of them? This would be a good idea.” But it would be absolutely wrong for any country to start tapping into and removing them simply because we did not like some of the activities that took place or because terrorist activities took place, because we would then, as I say, be judge and jury. How much would you be wanting to take of the £9 billion? Who is going to make that very difficult judgement, and what does it then say to any other African country that has assets in the UK?

Q438 Lady Hermon: Actually, Minister, with the greatest respect, it says, “We will not tolerate terrorism.”

Mr Ellwood: But we say that in other ways.

Lady Hermon: Well, again with the greatest respect, we have a British Prime Minister and a Government who rightly condemn terrorism around the world and will undoubtedly condemn the terrorist act this morning in Brussels, which is absolutely appalling yet again. The message has to be followed with reality. That is a message to a country that

sponsors violence and sponsors terrorism that there will be a financial price to pay. That is the message that has to be sent. Anyway, moving on swiftly—

Q439 Chair: Just before we do, what was the reason for freezing it in 2011, which was some time after the Gaddafi regime was misbehaving, at least? It might be useful for the Committee to be reminded why at that point the assets were frozen.

Mr Ellwood: Again, there was a legal process. I can write to the Committee to explain the details of how that is done, because you cannot simply freeze people's assets because of what you judge is immoral in a country. There is a process that you have to go through to justify it, which often involves the United Nations as well. Following what happened in Benghazi and following a UN Security Council resolution, we were in a legal position to say, "Let's freeze these assets so as to deny this terrorist the ability to use them in order to kill his own people or, indeed, other people. Let's save these assets and ring-fence them for when a future Government is in a position to honestly use them, and then they can be unfrozen."

Q440 Chair: I think you said earlier that they belong to the people of Libya. The people of Libya, though, are represented by the Government of Libya.

Mr Ellwood: Ultimately, there has to be a stable Government in order for it to do so. There is something called a duty of care, which comes after the Rwanda genocide; any Government has a responsibility to protect their own people. If they fail to do that, then you take action; the international community has an obligation to take action. You cannot stand by. The world cannot stand by and watch an individual leader destroy part of the nation that he or she is supposed to represent.

In this case, Gaddafi expressed the intention to continue the battle that we saw first in Benghazi, with a series of statements saying that he was going to take this into other cities, which was when David Cameron and indeed other leaders said, "Right, we are stepping forward." Then the freezing of the assets—overseas funds—comes in and we say, "We are going to deny that leader access to them and it will be lifted once a new, more secure and stable Government is in place."

Q441 Lady Hermon: You have mentioned a series of meetings that you have had with representatives of the new Libyan Government. I think you said that you had met with the Deputy Prime Minister.

Mr Ellwood: The Prime Minister.

Q442 Lady Hermon: The Prime Minister. Were the words "frozen assets" even mentioned at those meetings?

Mr Ellwood: I am trying to think. I did not mention frozen assets per se.

Q443 Lady Hermon: Did not mention?

Mr Ellwood: *No.* Perhaps I can make it very clear to the Committee that I am not pursuing frozen assets. I am not. I make it very clear. I do not raise this, for the reasons I have given. I do not bring it up just as a hint or as a threat. I do not raise the matter. I appreciate that it is something that you, as a Committee, have seen yourselves to pursue as an option. As a Foreign Office Minister, I do not believe it is a good strategy. I do not. In fact, I think it takes us in the wrong direction. My strategy was to sow the seeds of concern that there was the use of Gaddafi-sponsored terrorism in Northern Ireland and, indeed, in the UK as a whole, and that there are victims of terrorism who are seeking recourse and we need to have an opportunity for them to make the case to the Libyan Government in order to pursue whether there is the possibility of compensation. That is the approach that I am taking. I do not and will not raise the issue of frozen assets, not least because—I have now said this three or four times, but I will continue to say it—it will damage Britain's reputation, which is also important. That does not mean I am not passionate about ensuring that the victims who have suffered here gain some form of compensation through Libya; I just do not believe that pursuing these assets is a useful way of doing that. It will damage our reputation with Libya as well. This is a country that we want to help to move forward. They need more help than any other northern African country and taking assets away from them will actually damage our daily reputation in the work that we do with them. It would be a breach of trust.

Chair: I think we have probably exhausted that point now.

Mr Ellwood: I am glad we have reached that juncture.

Q444 Lady Hermon: Well, I do not find it a laughing matter. Sorry. I wanted to pursue the point, because we have victims with us today and we have victims who will be viewing this session of evidence. They are entitled to know what their Government are doing and what representations their Government are making to the Libyan Government, particularly in light, if I may say so, of the Prime Minister's statement yesterday to the House of Commons, when he reported about the meeting of the European Council, in which he mentioned, in terms of Libya, that it now had a Government and that the European Council had been persuaded—a number of the countries were very keen indeed—to deal with returning boats that were coming across the Mediterranean and people who were fleeing Libya. That what was the Prime Minister mentioned yesterday. That being the case, where in the list of priorities does the British Government have this particular issue, which is morally important and financially important? As Mr Paisley has said, the victims are getting older and their needs are getting greater. Where on the list of priorities has the British Government rated this in their talks with the Libyan Government?

Mr Ellwood: I made it clear at the beginning in my opening statement that this is something that I am pursuing at every opportunity when I meet the Libyans. I have endeavoured to understand and get to know the victims of terrorism as well through the meetings that I have. I am doing my utmost to make sure that we pursue what I perceive to be the most suitable agenda in seeking redress with the new Libyan Government.

Q445 Gavin Robinson: Good morning, Minister. It would be inappropriate if I did not mention at the start that while we sit here today my constituent Adrian Ismay, having been murdered in an under-car booby-trap bomb two weeks ago with Libyan-provided Semtex, is being laid to rest.

Q446 Can I make the initial point that while this Committee may be looking at compensation for IRA victims, the IRA has morphed on many occasions and it is not solely confined to the Provisional IRA? Its successors in the New IRA and the attack that happened just two weeks ago should be considered as well. Is that a representation that can be made to the committee that has been established, or will be established, in Libya?

Mr Ellwood: First, can I express my condolences and great sadness to hear the loss of Mr Ismay? I served in Northern Ireland, so I am fully aware of the ability of the IRA—or elements of the IRA, which we are technically speaking about—to rejuvenate. It often is the younger generation that decides to peel away from any discussions, talks and so forth. We need to be very conscious of that.

Q447 Gavin Robinson: Is that a representation that you can make to the established committee—that the IRA is not, as we might have understood it to be, the Provisional IRA, and so while the Semtex was given to one organisation it has been disseminated through its successors to date?

Mr Ellwood: Your point is on the record. I am the Foreign Office Minister and my focus, as I said at the beginning, is with Libya, but I will certainly ensure that it is made to the Northern Ireland Secretary, who is better placed to make a judgement on this than me.

Q448 Gavin Robinson: Can I then ask for an assessment as to how much you feel you may engage with the committee that will be established in Libya to consider compensation for IRA victims?

Mr Ellwood: I need to bring the two parties together. That is my absolute aim. I want to, as best as I can as a Minister and as an individual, ensure that I am able to apply the pressure that I can. But as I say, from the perspective of the Government, espousing these claims—it isn't going to be, for the reason that I outlined before. I will certainly, within my own ability, ensure that the meetings do take place—and as I say, I think there is more chance of the meetings taking place here in the UK, or possibly Geneva; there are other ways that we can do this. At the moment, we do not have an embassy in Tripoli; it is actually based in Tunis, so it could very well be there. I will be going there very shortly and I will raise these matters. I will be meeting Libyan counterparts when I go in the next couple of months, and I can assure this Committee that this matter will be high on my agenda.

Q449 Gavin Robinson: You mentioned earlier that while this committee will be formed—and there is reference made in *The Observer* to the fact that a committee may be formed—

Her Majesty's Government will be giving considerable political and economic support to Libya as it finds its feet once again—

Mr Ellwood: To the?

Gavin Robinson: Economic and political support to Libya—to the creation of a new Government and to try to restore normality to that country. Will you link the huge levels of investment we are going to make in that country with the potential progression of compensation for victims?

Mr Ellwood: I am not going to place any conditions. It would be wrong to do so. We hosted a conference here in October where we brought together a large number of international leaders who are involved in international development—many UN organisations and so on—to say, “Let’s understand and work out what exactly we need to do once the guns fall silent. Let’s be prepared to work out what needs to happen in areas from the sewage systems to police reforms to the Libya bank, who is going to do what and how much money is needed in each of those areas.” Preparations have been going on for some time to make sure that we can help from security, economic, governance, academic and health perspectives—the full works. We are seeing the start of that with operations off the coast of Libya to prevent the traffickers who are benefiting financially from this. But I am sorry; I am not going to make any conditions and say, “This should happen.” What I am saying is that I will not lose any opportunity to raise these important matters, and I think it is important to do so.

Q450 Gavin Robinson: I think you have indicated that you want to highlight to victims that we should not place too much hope, and that the exploratory committee and any conclusions that it may make is not going to be a swift process, but you recognise that, when we are extending goodwill and financial and political support to the country, this is probably the most opportune time to progress these issues and it may not need to be as prolonged a process as you previously outlined.

Mr Ellwood: You make a powerful point.

Q451 Gavin Robinson: Okay; I will not push it. You have mentioned the Northern Ireland Secretary a number of times. Do you recognise—and I think you have in supplementary comments—that this issue is not solely confined to Northern Ireland? Indeed, many victims attended the Docklands Victims Association 20th anniversary memorial service a number of weeks ago. Do you recognise that this goes far beyond Northern Ireland and conversations with the Northern Ireland Secretary are perhaps too constrained, and that those conversations should be taking place across Government?

Mr Ellwood: That is absolutely right. I have also spoken to the Justice Secretary about this. I have had private discussions. Please do not press me on what further I have discussed; all I am saying is that you are absolutely right. It is not restricted to Northern Ireland; it applies wider afield as well.

Q452 Gavin Robinson: I will not push you too far on that. Can I indicate my dismay that the victims of the Hyde Park bombing were turned down for legal aid support for a civil claim two weeks ago? When I pushed further in parliamentary written questions to the Justice Minister, it was indicated that, as the criteria were not met for that scheme, the Government have no ambition to consider alternative support for the victims in that case. Do you feel that is something that further work should be done on, or do you think the matter should stop there?

Mr Ellwood: I am not in a position to make a judgement. This is wandering beyond what the Foreign Minister should be making judgements on. I will ask some questions and take away what you have said. You have made the point very powerfully indeed.

Gavin Robinson: I am grateful for that, Minister. I will see you on Thursday in my constituency.

Mr Ellwood: Thank you very much indeed. I should be writing to you, in fact, to ask permission. I realise I have not done that yet. I will make sure that I do.

Q453 Oliver Colvile: Thank you very much for coming to see us. We are grateful to you for giving up your time. Following on from what Gavin ended up by saying, do you have an estimate of how many other terrorist organisations might have been in receipt of Libyan Semtex as well?

Mr Ellwood: I do not know the answer to that. The Semtex itself originated from Czechoslovakia. It is something unique about Semtex that it is handmade and therefore leaves a traceable element; a batch can be linked together. It is quite unique in that sense. There is a lot of it around and it is favoured by many terrorists. I do not know the answer to that in detail, I am afraid.

Q454 Oliver Colvile: Do you know whether that Semtex that was manufactured in Czechoslovakia only came via Libya to the IRA or whether that Semtex would have gone directly to the IRA without going via Libya?

Mr Ellwood: I can perhaps get back to the Committee in more detail. My understanding is that it was Gaddafi who was pursuing harm against the UK and utilised the campaign by the IRA to cause harm and therefore provided the Semtex. I am not aware—though I do not know, because this is now going into the details of IRA logistics—where else they were getting supplies from. I am afraid I am not privy to that; it is not something that I can cover.

Q455 Oliver Colvile: There will have been terrorist organisations in other countries that also ended up getting Semtex via Libya and it would be helpful if you might just have a little look at that at some stage and write to us on that subject.

Mr Ellwood: It is an interesting question.

Q456 Oliver Colvile: It is important. Believe you me, I have an enormous amount of sympathy with the victims in all of this, but at the end of the day there will be other countries that will be seeking compensation for victims who were also killed. It would be helpful for us to have a general knowledge and understanding about where else it ended up.

Mr Ellwood: It is an interesting question. I know you are familiar with the situation in Libya. Half the problem in Libya is that there are more weapons than people. The reason for this is that many of the legitimate security operations were overrun and their armouries raided and weapons—explosives—were then utilised by various tribes and factions for their own gain. Bringing those back under control is going to be a very difficult challenge indeed. It also means that the distribution—the black market distribution, if you like—of ordnance is something that is difficult to track.

Oliver Colvile: I have to leave in about five minutes because I have a constituency issue to deal with, but thank you very much indeed for your help.

Q457 Kate Hoey: Minister, we are talking a lot about Libya and blaming Gaddafi and so on, but obviously they would not have been able to sell their weapons if there were not willing buyers. Do you not find it a little bit strange that we are spending all this time on attacking Libya, yet at the same time we do not want to find out anything more about how we can get those people—members of the IRA, controlled by people who are now perhaps even in government in Northern Ireland—who were ultimately responsible for the deaths of people?

Mr Ellwood: You are asking me to speak on matters that are way beyond what the Foreign Office does. I served in Northern Ireland and have seen where people end up, and it is a reminder. I deal with other parts of the world, such as the Middle East, North Africa and elsewhere, where bringing people in from the cold is part of the route to a more stable country and some very difficult and tough decisions are made as to what to do. Libya is an example, actually. Without giving any names away, I can think of a number of characters leading militias who are either close to getting on the UN sanctions list or are already on it. They have a choice to make about whether to participate in the peaceful advance of the country or continue to pursue terrorism and their revolutionary causes. What you do with these people is a very difficult and philosophical question, almost. Do you deny them the place to come to the table and leave the weapons outside and participate in politics?

Kate Hoey: Perhaps it would help if they would actually admit that they were part of it all. Anyway, perhaps that is for another day.

Chair: Perhaps that is a slightly different session. Thank you very much, Minister and Mr Dart, for your very helpful evidence.