

Northern Ireland Affairs Committee

Oral evidence: Addressing the legacy of Northern Ireland's past: the UK Government's New Proposals, HC 329

Wednesday 15 July 2020

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

Questions 154 - 203

Witnesses

[II](#): Robin Horsfall, Member, Million Veterans March, Gavin (Harry) Wragg, Member, Rolling Thunder for Soldier F, Paul Young, Member, Justice for Northern Ireland Veterans Original Group.



Examination of witnesses

Witnesses: Robin Horsfall, Gavin (Harry) Wragg and Paul Young.

Q154 **Chair:** To save me having to read it out again to our new witnesses—Messrs Young, Horsfall and Wragg—did you hear my cri de coeur with regard to sub judice?

Robin Horsfall: Yes, I did.

Harry Wragg: I did.

Paul Young: Yes, I did.

Q155 **Chair:** That has saved 35 seconds of the Committee's time without me having to repeat it, but the lack of repetition in no way undermines its seriousness. Can I please very briefly ask you to introduce yourselves for the purposes of the record? Then we may turn straight to questions, given the time we have available to us.

Paul Young: My name is Paul Young. I am a veteran of the Blues and Royals Household Cavalry Regiment. I am also a 22-year veteran of the Royal Ulster Constabulary and the Police Service of Northern Ireland. I have uniquely been able to sit between the two. I actually live in Northern Ireland. I am also the senior policy adviser for Justice for Northern Ireland Veterans Original, one of the first and largest groups campaigning for justice for Northern Ireland veterans.

Robin Horsfall: Good morning, Chair and members of the Committee. My name is Robin Horsfall. I served in five tours of Northern Ireland between 1974 and 1984, three with the Parachute Regiment and three with the Special Air Service. I am here today to represent our members, the Million Veterans March, but I am also here to represent the feelings of the 300,000 former servicemen and women who served in Northern Ireland. I would like to note that there are 4 million former servicemen and women in the United Kingdom who have an interest in this meeting today.

Harry Wragg: Good morning. I am Harry Wragg. I am a veteran. I served with the Royal Corps of Transport and I am the founding member of Rolling Thunder, in which we took 40,000 motorcyclists and passengers to London against the prosecution of veterans from Northern Ireland. Please excuse my voice or any breaks in my conversation, Sir—I recently had a stroke.

Chair: Yes, I am aware, Mr Wragg. In the circumstances, I am very grateful to you for joining us. Take your time and do whatever it is that you may need to do during the session. On behalf of the Committee, I am particularly grateful for you joining us.

Q156 **Mr Goodwill:** Could I put on the record, I think, the nation's collective thanks to all those who served with our forces in Northern Ireland. Indeed, many are still bearing the scars, both physical and mental, and, for a small number, the threat of potential prosecution is still hanging over them.



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Could I start with the same question that Ian Paisley asked the police officers? What lessons need to be learned from previous attempts at addressing Northern Ireland's past? If I could put in a nutshell what the police officers said and see if you concur with that—

Chair: Mr Goodwill, I am sorry to interrupt. Our witnesses were listening to the previous session. We can see that they were listening, so they heard what happened earlier. Mr Young, did you want to take that first?

Paul Young: Yes. On the lessons from the past, we represent the veteran community and we think that veterans have been ignored for the last 20 years. We have not been consulted on anything regarding legacy legislation. This is, in actual fact, the first time that anybody has sat down and talked to us and we have been able to put our views across to Government. We are very grateful for the opportunity.

To us, the focus seems to be on prosecuting veterans, as opposed to those who committed the most heinous human rights abuses. Anything that is contained in the new draft legislation for the Stormont House agreement we do not see as a way forward. We find it does not meet any of our needs and will, in actual fact, probably make things worse.

Robin Horsfall: It is the belief of our members that the previous actions of the legacy investigations units or teams towards former soldiers have achieved nothing to advance the search for truth and reconciliation. The renewed investigations, and arrests and trials of soldiers who were previously arrested and exonerated, have achieved nothing. The behaviour of investigators towards veterans has created a strong belief among us that investigators are politically motivated and have a wide range of unchecked powers. We are being used, in many ways, as a buffer between the two partisan groups, as people who can be attacked and used as an excuse to rewrite history and change the narrative completely.

Harry Wragg: Going with Robin there, with the members and the people who have followed and come out for the veterans being persecuted, the British Government have completely and utterly let down our veterans—end of.

Q157 **Mr Goodwill:** In the Conservative party manifesto, they said they wanted to stop these vexatious claims. Do you feel what is being proposed will do that?

Paul Young: There is very little detail in what has been proposed from the NIO statement. Until we actually see the meat of what is being proposed, it is difficult for us to comment on it. We take some small comfort, I guess, from the fact that they are proposing that we have a review of those cases that have previously been looked at and found not to have a case to answer. They will do a case review on them and then close them. Until we see the detail of that, it is very difficult to comment on it.

We find the comments about the retrospective use of article 2 a little unhelpful, because it is our assertion that you cannot apply article 2 to a



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time when article 2 did not exist and the notion of article 2 being in existence was not even on the cards. I would like to temper that a little. When you look at the Northern Ireland order, which was put in in 1989, and then the RIPA Northern Ireland order in 2000, neither of those two particular pieces of legislation was retrospectively applied. Where somebody was arrested, for instance, under the judges' rules or the Criminal Law Act 1967, which governed all policing and how they policed up to 1989, neither of those was applied retrospectively.

Nobody said, "I should not have been prosecuted. Let us reopen that case." The same should apply with the application of article 2 retrospectively. It did not exist. You could not even think about saying that anything that was investigated complied with something. We would like to see that stopped. It might be a game-changer for veterans in the way things look at the past. At the moment, there is no context of what it was like back then and how you could possibly hold a scene where scenes were contaminated and things were removed from it. It was just absolutely impossible to get near it.

Q158 Mr Goodwill: I was in Northern Ireland in the 1970s myself, as one of the few tourists who went there. It was a different world from the mainland. You agree with the police officers that the way the evidence could be collected or the way that crime scenes could be secured was not as we would see now and it is difficult to revisit those potential crimes with hindsight.

Paul Young: Well, you cannot, because people today have no concept of what it was like back then. You can look on YouTube. You can see bits of things going on, shootings going on. I am very aware of sub judice things, but there are things being looked at, at the moment. In the context of what was happening at that time, for instance, when there was a gun battle going on and you know that somebody was shot, you could not go forward, secure that scene and then have people in white overalls and SOCOs coming in, holding the scene for days and putting a tent up. It was impossible to even think about doing that. You were lucky if you were able to get near it a day or two later. By the time of article 2, that kind of thing does not help things. As a matter of fact, it just muddies the waters, so I think article 2 should not be applied retrospectively.

I have read recently in the European Court of Human Rights that it might breach one of those articles to apply retrospective legislation to something like that. I would need to do a little more research on that.

Q159 Chair: If you were the final arbiter on this, what merit is there just to have an amnesty?

Robin Horsfall: We do not want an amnesty for former soldiers who have served in Northern Ireland. The reason for that is that we believe it implies some form of guilt on our part. We are most upset about people who have been previously cleared and exonerated being reinvestigated time after time for political purposes. We do not want amnesties for people who have



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clearly committed crimes and broken the law. If something new, compelling and credible came up, we would support a prosecution just as anybody else would.

An amnesty really is not something that we want. We want people who have been investigated to be left alone and we want anything new and credible to be judged by somebody who is completely senior and independent. That is what we want.

Q160 **Chair:** So it is the means, not the ends, that gives you the concern.

Robin Horsfall: It is the word "amnesty" that is the biggest concern.

Q161 **Ian Paisley:** Robin, Harry and Paul, thank you very much for your service. To the men and women you represent who gave to Northern Ireland, that is greatly appreciated. This is an opportunity to publicly say thank you to you.

Given what you have said, particularly Paul, I do not know how useful this question is, but it might just highlight how useless the process has been. Do you think that the Government's new proposals provide a better way forward than the Stormont House agreement Bill?

Paul Young: For us, the Stormont House agreement Bill is dead in the water. We would not support it in any shape or form.

Q162 **Ian Paisley:** So, basically, anything is better than that.

Paul Young: No, not anything is better than nothing. Whatever comes must be acceptable to the wider veteran community. As Robin said, there are 4 million veterans watching this right now, and certainly 300,000 veterans who served in Northern Ireland. We need to have something that is going to protect our veterans. I have looked at the new overseas Bill that is going through at the moment. That has a lot of good things in it, but we need similar legislation for Northern Ireland and the rest of the United Kingdom. It cannot be just Northern Ireland-centric.

There were 102 murders committed by the IRA in England. There were none in Scotland and none in Wales, but in England there were 102. Any legislation that covers Northern Ireland must cover England and the rest of the United Kingdom. It cannot be Stormont-based. We have said that legislation that is going to come forward must not be Stormont-based. It must be United Kingdom-based. It must be Westminster, if that is the right term. We would see that as something that needs to be Westminster-based and not adjudicated or done by Stormont.

Q163 **Ian Paisley:** For those murders that occurred in the Republic of Ireland of military personnel, police personnel and, indeed, civilians, and then the remains were tragically dragged into Ulster or something like that, again how would you try to address that part? It could amount to as many as 500 people, I understand.



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Paul Young: Yes, there is a lot. Loads of times along the whole border region, including the place I served in as a police officer, Crossmaglen, the IRA were operating with impunity and, as you say, dumping the bodies. There is a role for the Irish Government, because the offences occurred in the Republic, which is a completely sovereign jurisdiction. There must be a role for the two Governments to try to find truth and reconciliation. How that happens, I do not know, because there seems to be a reluctance at the moment by the Republic of Ireland to engage meaningfully with the British Government. That is politics and not really in our domain for veterans.

Q164 **Ian Paisley:** Gentlemen, in earlier answers, you have said that this is the first time you have had a platform and an opportunity to speak about your case to Parliament. I think this is a travesty, if I am perfectly honest, if this is the first time you have had that chance, but I am glad that we are at least providing that platform. You also said that the service personnel, the veterans, have been ignored and let down. Could I push you a bit further on that? Do you feel that your officers have been betrayed by how legacy has been handled? Do you sense that there is an attempt to rewrite our history on this issue?

Robin Horsfall: Yes, absolutely. We believe that there is a determination by the republican movement to rewrite history and that they require, to rewrite history, one conviction of one British soldier from back in the early years. If they can achieve that, they can turn around and say, "See—we told you there were atrocities. See—we told you the soldiers were occupying Northern Ireland", and they can create a completely new history based on that one conviction.

They have failed to achieve it, in spite of the fact that we have been spending hundreds of millions of pounds with these legacy investigations. We have been chasing and hounding former British soldiers across the United Kingdom for the last 10 years. Sometimes they have been arrested with great aggression, as if they were convicted hard criminals. It is clear to us, or at least it is our belief, that there is a strong bias in this and that there is political pressure to get that one conviction.

Q165 **Ian Paisley:** How does the bias that you perceive make you feel?

Robin Horsfall: We feel that the Government are prepared to put a few old soldiers on a cross and sacrifice them for the benefit of peace in Northern Ireland, or to keep the lid on Sinn Féin-IRA in order to stop people returning to increased levels of violence. That is how we feel we have been sacrificed.

Q166 **Chair:** But you have no evidence for this, Mr Horsfall.

Robin Horsfall: It is a feeling, as I said. It is how we feel, rather than pointing specifically to evidence. Our members feel this way. It is our perception of what is going on.

Q167 **Chair:** There seems to be a fissure between what Mr Young said in answer



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to a question earlier and what you are saying now. Unless I have misidentified it, and please correct me if I have, the fissure is this. You, Mr Horsfall, have just said that if there is a prosecution and guilt is established in a court of law or whatever, that opens a narrative floodgate: "Yes, we told you so. This was an occupying force that committed atrocities every day." That, by definition, therefore takes you to the amnesty route, so that no cases can be brought, which is in contradistinction to what Mr Young was saying. By definition, if anybody goes before the courts, there is a chance of somebody being found guilty and the ramifications of that finding.

Robin Horsfall: No, Mr Chair. I disagree that we were contradicting one another. The people I have been talking about have been previously investigated, cleared and exonerated, sometimes on up to four occasions by the legal system. It is those people we are specifically referring to and those people who come at the point of all our protests.

Q168 **Chair:** For clarity, you did not actually say that, because you can only arrive at this position from what you said in answer to Mr Paisley's question, which was—and I am not quoting you verbatim but in terms of the spirit of what you say—"All you want is one conviction."

Robin Horsfall: All that the republican movement wants is one conviction.

Q169 **Chair:** The narrative of grievance, occupation and atrocity is then opened up. The contradistinction between what you were saying and what Mr Young was saying is that Mr Young was perfectly happy to see cases brought, justice run its course and results arrived upon, which hopefully would be bought into by all parties, but the line of your argument is that just one conviction opens up the floodgates. The opening up of those floodgates is to be avoided. Therefore, there should be no investigations.

Robin Horsfall: No, I am saying there should not be repeated investigations of people who have already been investigated and exonerated. If there are new investigations, or new credible, independent evidence, yes, by all means, bring that to people's attention and bring it to the courts. Four members of the armed forces were actually convicted of murder during the 30 years of Operation Banner and went to prison. We were never above the law and never wanted to be above the law.

Our point about amnesty is that we do not wish to be considered guilty when somebody is writing it off and saying, "Well, we are not going to pay any attention to that. It is history; we do not want to know about it." Where there is new and credible evidence, and where it is independent and not 15-year-old evidence based on somebody's memory, we will support that prosecution just as any other law-abiding citizen would.

Q170 **Chair:** Who would you like to see decide whether the balance or weight of evidence triggers either a new criminal investigation or a retrial?

Robin Horsfall: It should be somebody very senior in the judicial system, maybe the Attorney-General, but somebody independent of Northern



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Ireland who can look at the initial evidence or complaint and say, "No, this is vexatious. This is being repeated. This is going over old ground and this is not new and credible evidence".

Q171 **Chair:** It would be a retired High Court judge figure.

Robin Horsfall: That would fit the parameters perfectly, yes.

Chair: Mr Young or Mr Wragg, do you have any thoughts on that?

Harry Wragg: Going back to Mr Paisley, if you look at it in layman's terms and you look at our members, the veterans and those people concerned, as with the RUC, we are accountable. We were veterans. We were part of the British establishment, the Government. The IRA and anybody else are not accountable. The public do not understand why you cannot prosecute a terrorist but you can try to prosecute a veteran from that time. You cannot have a go at one without the other. Our veterans cannot understand that the terrorists were let go.

Q172 **Chair:** This is Blair's letter of comfort you are talking of.

Harry Wragg: Yes. This is what the people do not understand. Our veterans, millions of veterans, do not understand it. Why is this?

Q173 **Ian Paisley:** Harry, do you feel betrayed personally?

Harry Wragg: Yes, as every other veteran feels betrayed by the British Government.

Q174 **Ian Paisley:** It is an indictment, isn't it?

Harry Wragg: Yes.

Q175 **Chair:** I want to clarify one thing that Mr Paisley said, because it will have caused concern across the Committee. We have a Minister for Veterans, Johnny Mercer MP. We have had, obviously, Ministers in the MoD and elsewhere. Are you gentlemen saying that you have had no correspondence with or overtures from the Ministry of Defence, the Ministry of Justice or any other Select Committee apart from this, with regard to the issues we have under discussion today?

Paul Young: We have not had any consultation. We have offered a number of times over the last four years to sit down and talk with them, but we have always been brushed off. I have personally written letters to the Prime Minister, even prior to him becoming Prime Minister, offering to sit down and talk about the way the vast majority of the veterans we represent feel. We have had no replies. We have asked for meetings with Mr Mercer, again, with negative replies.

We have been largely ignored and that is the way the 300,000 veterans feel. We have not been listened to. We have not had the opportunity. I have put a paper through to the consultation by the NIO for the draft Bill for the Stormont House agreement. I put in about 18 pages, which went through as well. We also met with NIO officials when they were doing their



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roadshow. We met them in Sutton Coldfield and we went through the Stormont House agreement, but that was really the only time we have actually consulted anybody. We have had no meaningful engagement at all with anybody.

Robin Horsfall: I wrote to Prime Minister Theresa May on two occasions. Our organisation even presented a legal argument about vexatious prosecutions. We got a standard reply but we were never invited to take part in any of the committees or meetings. This is what built up our frustration. This is why we had our marches right across the United Kingdom. I did send a message to Johnny Mercer stating that our frustration was building to such a point that people wanted to take the law into their own hands, which I and our leadership were against, and got nothing more than a warning message back saying that people would be open to prosecution.

There was very little support. We have been very disappointed in engagement. People are more interested in new and exciting information. The Government and the media do not follow us. They do not want to follow us, but the Government should be paying more attention. We are very pleased to be here today, talking to people.

Chair: We are, as a Committee, very grateful that you are and we are more than interested to hear what you have to say. I will discuss this with Committee colleagues at a subsequent juncture, but I think, possibly in advance of our report coming out, the date for which has not been established yet, I may, as Chair, write to the Secretary of State for Defence, copied to the Prime Minister, to point out on behalf of the Committee what we have heard today. I mean, you could be fibbing to us and there will be a whole catalogue of meetings that have taken place, but rest assured that we have heard what you have to say and the sense of restraint in which you have expressed it.

Ian Paisley: It is an indictment of a process when people who are victim-makers are walking in and out of Downing Street, and the people who protected our community have this as their first chance. It is shocking.

Q176 **Chair:** I share your assessment of that, Mr Paisley. I think Messrs Young, Horsfall and Wragg have heard what I have to say and we will take that up on your behalf.

Harry Wragg: Mr Chair, why would we fib to you?

Q177 **Chair:** If you noticed, I said that with my tongue in my cheek. You are on the public record.

Harry Wragg: It is very tongue-in-cheek, Mr Chair. However, it is our first time. It is the first opportunity we have had, and we are more than grateful for this—

Chair: Mr Wragg, we are not looking for gratitude.



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Harry Wragg: Please. Please just treat us with some respect for how we feel.

Q178 **Chair:** I hope you have not felt during the course of any of our discussions this morning that there has been anything other than respect. I know colleagues across the Committee have expressed their thanks, support and admiration for the work and service you have undertaken.

Robin Horsfall: Thank you, Harry, for mentioning that. Just to reassure Harry, I have the letters that I sent and the replies from Mrs May.

Chair: Thank you very much indeed. Let us turn to somebody who epitomises respect on these issues, Bob Stewart.

Q179 **Bob Stewart:** Gentlemen, you know where I am coming from, which is very much your position. I declare that as an interest. I have done that already. There are at least 20 to 30 Members of Parliament—ex-service officers and quite a few NCOs—who are pushing very hard and have had a similar result, which is nothing back when we have repeatedly gone in on this matter. We will keep going, so I can assure you that there is a sledge of people in Parliament who are backing you as much as they can.

I want to tease out these words “vexatious claim”. The Overseas Operations (Service Personnel and Veterans) Bill, which does not apply to Northern Ireland, refers to vexatious claims against veterans. What do they mean by that? I am going to ask you for your interpretation, but my interpretation is that someone is charged somewhere in Afghanistan or Iraq by some unscrupulous law company that has been around trying to get witnesses.

For Northern Ireland, it is slightly more than that, isn’t it? First, there is the claim and they are brought back to court, but they are repeatedly brought back to court, as Robin Horsfall has said. He has mentioned before the four attempts. We are not allowed to mention things. When you hear the words “vexatious claim” against veterans in Northern Ireland, what does that mean to you, Harry? What is the definition?

Harry Wragg: Good morning, Bob. To me, I suppose, it is victims or associates of terrorists and they are not happy with the original outcome. They did not get what they wanted the first time there was an inquiry, so let us come up with something and try to get a second one. There is no credibility in anybody who is either a family member of a terrorist or by association. There is no credibility to it whatsoever. You had your go the first time. You cannot have a second.

Robin Horsfall: Law companies have a vested interest in perpetuating these court cases. At the end of the Saville inquiry in 2010, 14 members of the legal teams had independently become millionaires. There is a desire to keep repeating the process over and over again, which is led by the vested interests of lawyers. They can continue, whether they win or lose, to make money, sometimes from legal aid supplies funded by the British Government and by legacy investigations, to just keep the thing going. Win



or lose, it makes no difference. They have an interest in keeping the thing repeated over and over again.

It may just be a legal process to them. It may just be a money-grabbing process to them, but we are seeing people in the later years of their lives being hounded in their old age, with disease, with cancer, with all sorts of issues, dragged back and forwards from Britain to Northern Ireland and interrogated, sometimes questionably. The last five or six years of their lives are being destroyed without any new or credible information. We think there is a vested interest in law companies keeping the process going.

Q180 Bob Stewart: I speak as someone who has been to court after one of these shootings. Paul, my final question to you is the same question really. Do you agree with me—I think you do, because I have heard you say it—that if someone has done something wrong and it has not been investigated, no matter what the distance in time, he or she should be brought to account for it? That is my view. Is it yours?

Paul Young: Yes, I think it is the view of all of us. It does not matter at what point in time, if there is new and credible evidence. It comes down to evidence and not information. There is a difference between information and evidence, as anybody who has worked in the police would tell you. If somebody has committed a crime, a capital offence, they should be held to account, but that has to be backed by evidence; it cannot be an assertion that, "We think he has done this." There has to be forensic evidence, credible witnesses who maybe saw it happen—all these normal legal procedures. We would all agree that, if somebody steps outside the law and commits a capital offence, they should answer for it. It does not matter whether they are a soldier, a policeman, a butcher or a tailor; it does not make any difference to us. We believe in the rule of law and we have always worked with the rule of law. That is where we stand on it.

I would like to say a little bit about what is vexatious. It is clear to us in the veteran community that, of those who are going through the judicial process right now, many have already been investigated at the time with what was available to the police and within the rules that they were working with back in the early 1970s in particular. That is why I am so opposed to having article 2 in retrospect. You cannot go back in time and try to reinvestigate something when most of the evidence has been lost and it is very difficult to get. Most of them seem to be going on with no new evidence at all, but in particular they have what they think might have happened—a supposition, if you like. We say that they should never have even been at court because there is no evidence at all.

In regard to costs, look at the Saville inquiry. Tessa Jowell, I think, brought this figure up on the Sunday morning news programme. She said the Saville inquiry cost is believed to be around £400 million, and the end result of that is possibly having one person go before the courts. That is nearly half a billion pounds to bring one person into the judicial programme. Yet, during 1972 the whole time that was going on, there were 154 murders of



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soldiers and policemen. There was no inquiry into the people who committed those.

During that same period of 1972, there was Bloody Friday. Nine people were murdered by 26 IRA bombs in Belfast. There was no massive independent inquiry, no half a billion pounds spent on looking for the perpetrators, those who organised it and planned those bombs. That is what we in the veteran community see as the difference. We see huge amounts of money being spent on bringing soldiers before the courts and no money whatsoever being spent on investigating the deaths of military personnel, veterans, police officers or even ordinary people by terrorists—nothing at all.

Bob Stewart: Paul, thank you very much. I have almost finished, but I just want to make one comment. The fact of the matter is that it is so much easier to prosecute soldiers, because the military does a pretty good job of examining what happens after an incident. I know that because I have repeatedly been through the same process. They are pretty thorough. They have these records, and the police can pick them up and deal with them. The Provisional IRA and other terrorist organisations have no records.

Q181 **Claire Hanna:** Thank you to the witnesses. Would you mind outlining, and I am referring specifically to Northern Ireland, the figures that you think would represent a cycle of reinvestigation and vexatious claims?

Robin Horsfall: I do not think I understand that question very clearly.

Claire Hanna: You are speaking about a cycle of investigations and vexatious claims. Bearing in mind the sub judice issues, could you outline the figures that you think back up that claim in terms of the proportion of investigations that are into veterans?

Robin Horsfall: It is very difficult for me to answer that. I am still not sure I understand the question. However, I will do my best. We have seen year after year of repeated investigations, and we have seen no convictions of soldiers who were previously investigated and exonerated. As Paul said, the Saville inquiry went over I do not know how many years, but it went over a decade and still came up with nobody to convict. Whatever the figures and the numbers are of how many were investigated, the final result was zero.

Q182 **Claire Hanna:** Actually, the figures are available. I think you have understood, and I appreciate how you have answered the questions, but the figures are available in terms of prosecutions that have been brought and the proportion of those that have been brought into veterans. Are you aware of those figures?

Robin Horsfall: I am not aware of those figures and it is not a fair question. Trying to tie me down on a point of figures is not—

Claire Hanna: I am not trying to tie you down.



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Robin Horsfall: Trying to tie me down on a point of figures is not getting to the point that we are here for.

Chair: Mr Horsfall, let me be the judge of whether it is a fair question. It is a perfectly fair question, as far as I am concerned. You can dig out the figures and send us a reply in writing. We do not expect our witnesses to have all the answers at their fingertips but, in terms of whether the question is in order, let me assure you that the question is in order.

Paul Young: What we have been referring to are those already going through the judicial process. Again, I have to be very careful of sub judice here. Those who are currently going through the judicial process have previously been investigated and, in some cases, been told by the DPP at the time that there is no further investigation and that is the end of it. This is almost like what is being proposed by new legislation: that, once a case is reviewed and closed, that is it, closed forever. In some of the cases that are going through now, there are people in receipt of such an assurance. Yet still those cases are being reopened many years later and still they are going through the courts now.

When we look at what is being proposed in closing cases that have had a review by whatever comes next, how can we be certain that those that are closed will not be reopened again, as many of those that are going through the courts right now have? You say you have some statistics. I would be very grateful if you could let us have a listen to them.

Q183 **Claire Hanna:** The statistics, for example, are that, of the 15 live prosecutions, five are of security forces. I do not know that it is wildly disproportionate because, while I would absolutely share your frustration about the lack of prosecutions of paramilitaries, many of us feel that the state should be held to a little bit of a higher standard than illegal terror gangs. I appreciate that that may feel disproportionate, but would you accept the view that a prosecution either passes a threshold or does not and, therefore, that the term "vexatious" is a misnomer? You have referred to hearsay, supposition or speculation, but would you acknowledge that the rigour of a criminal investigation is what takes hearsay or assertions into the realm of criminal prosecutions?

Paul Young: Hearsay and other assertions are exempt. You cannot use them in criminal investigations.

Q184 **Claire Hanna:** No, of course. My point is that, I suppose, all criminal investigations will start with a theory. Therefore, it is the investigation that takes the theory to the threshold of prosecutions. As I say, there is a test applied to prosecutions, and they either meet the threshold or they do not. Therefore, if they meet the threshold, they are not vexatious.

Paul Young: I would disagree with you. I would say that those we are referring to have been looked at by DPPs back in the day, those same DPPs who have same the weight now. At the time, they were looked at, in some cases many times, and the person who decides whether it should go forward for prosecution is the director of public prosecutions. On some of



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these cases that are now going through, at the time the DPP quite categorically said there is no case to answer. We always questioned why these have been reopened when there is no new evidence. That is the crux of it. What is new? What is compellable? We do not see anything that is new or compellable in it. I am at odds with what you are saying, I am afraid.

Q185 Claire Hanna: I appreciate that you are at odds. You are entitled to be and I am entitled to be as well. Of course, there are things that we cannot stray into, but many of us on the Committee and you have acknowledged that standards and opportunities for investigation have changed. Thresholds for evidence and the technologies have changed. Would you acknowledge, therefore, that there are new opportunities for evidence in things that may have been investigated 50 years ago? Would you also acknowledge that perhaps not all of those investigations were thorough?

I absolutely share your concerns about the financial costs of things like Saville, but would you agree that perhaps Saville and those investigations the first time around, for example in Widgery, were not effective? Do you think that they were effective and comprehensive investigations the first time around?

Paul Young: There is a contrary view, some would say, that the Saville inquiry was not as thorough as it could have been. People were not required to give evidence on oath, but only to attest, which is different from a trial. With a trial, you give evidence on oath and, if you are found to be lying, you have committed perjury. That was not the case in the Saville inquiry, but I do not really want to go down into the rights and wrongs of the Saville inquiry. Some would say that the Widgery report was clear in itself, in that there were a number of things found on people that would lead people to suspect that they may have been involved in some criminality, but not everybody. That is a different view.

The fact that they spent £400 million—very nearly half a billion pounds—on one inquiry on one incident is a big, big disappointment to veterans. As I said earlier, there are hundreds of veterans who have been murdered, and their families had no amount of money or investigation of that type into the people who committed those things.

Q186 Claire Hanna: Do you acknowledge the principle that investigations that occurred at the time and in the heat of the moment may not have been adequate and comprehensive? Do you believe that the Widgery investigation, for example, was adequate and comprehensive, and therefore that that falls into the category that, as I think you said, “You have had your one chance”?

Paul Young: I do not accept that at all. The Widgery report was the best that they could do at that time. The Saville inquiry was many decades after and you have to think about people’s memory. A great deal of research has gone on in recent times, in criminal cases and other cases, about what people’s memory is and how it can be corrupted by the memory of others



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around them. That sort of thing should be starting to be looked at when you look at legacy cases.

Q187 Mr Campbell: I followed the costings of the Saville inquiry meticulously. It was extraordinarily expensive but it was not £400 million. It was about £200 million, but still it was exceptionally expensive. To the issue of context which you, Mr Young, have alluded to at the start, do you feel that context has been taken account of? For example, 20, 30 or maybe 45 years ago, soldiers and police officers were going into a context that is difficult to replicate now, to try to reinvestigate all these years thereafter, yet there has been very little, it appears to most people, investigation into those who carried out the atrocities against those whom you represent.

Paul Young: I would absolutely agree with you, Mr Campbell. Yes, I certainly would. There has been no credible investigation of those people who directed the top tier of the IRA army council and those who worked within the political movement. There is no investigation of that side of it at all. There may have been investigations of individual people who were literally caught doing wrong, but not the whole group of people who directed it.

Q188 Mr Campbell: Many people would say, if we are looking at the number of people involved, a tiny number of ex-service personnel appear to be under some sort of suspicion, yet thousands of terrorists are under very grave suspicion, many hundreds of whom have not been brought before the courts. Is that really what you talked about when you talked about the context and the differential in terms of numbers?

Paul Young: Yes.

Robin Horsfall: May I just add, because I know we are coming to the end of our allocated time, that no prisoner was ever released by the Irish Republican Army or the INLA? Every soldier who was ever captured was brutally tortured and murdered, some of those live on camera in full public view. When we start to talk about how we feel about that, this is the soldiers' truth. We could not afford to be taken prisoner. We could not afford to make those kinds of mistakes, because if we made a mistake against the enemy we were up against, we were tortured and murdered. That is the context that we need to go back to, if we are to have any kind of understanding of what we were up against in the 1970s and 1980s in Northern Ireland.

Chair: Mr Horsfall, that strikes to that very important point, which I think Ms Hanna and others were referencing, with regard to equivalence. That is something that successive people have wrestled with over the years.

Ian Paisley: Mr Chair, surely on the back of this we should be recommending that the leaders of this terror campaign be brought before The Hague, for a proper tribunal into their direction of a terror campaign in a part of the United Kingdom.

Chair: That might be for others to consider. We certainly have not heard



evidence on that. We are probably best to try to keep within the confines of what we can seek to influence.

- Q189 **Stephen Farry:** Just to put it on record, it is good hear this perspective. Even though I may want to challenge you on a couple of points, it is important that we acknowledge the service of the veterans in Northern Ireland. Given that there is an issue about the lack of investigations and prosecutions right across the piece, how do our witnesses envisage that situations where soldiers were murdered can be investigated or reinvestigated, given that the quality of investigations, particularly in the early 1970s, into the deaths of soldiers was deficient?

Paul Young: It is not impossible to go back and look at who has committed these murders. I am not talking about individual acts across the whole board because this is an organisation. Whether it is the loyalist side or the republican side, if you commit murder, you should be held accountable for it. There are plenty of intelligence reports and other reports held within the security services and the police service that could perhaps be accessed, which would identify things that may lead to evidential opportunities to take them to court. As you are aware, up in Seapark here in Northern Ireland they have a repository of weapons and other forensic items that could be trawled to see if they fit anything that is held on record right now. There are other ways to bring before the law terrorists who have committed murders of soldiers or even civilians, come to that. Those should be explored as well.

- Q190 **Chair:** Mr Young, to pause you there for a moment, you are the second witness who has referenced this stash of stuff. To the best of your knowledge, has it been proactively investigated to cross-reference against crimes or is it only ever used as a reactive repository in the instance of a case having already been brought?

Paul Young: I am mentioning this because I was listening last week to that particular witness.

Chair: Hats off to you for listening. Well done.

Paul Young: By the same token, I am aware, from having served in the RUC and the PSNI, that such a repository exists. Whether it has been, as you say, proactively trawled to find evidence, I do not know. I certainly believe it should be. There is enough. I know in other countries they do such a thing. If they get something with DNA, they run it through a DNA database to see if they get any hits. In the USA and other countries they do that. I cannot say whether they have done it or are doing it in Northern Ireland.

- Q191 **Chair:** Would such an exercise in any way help the veteran community see or interpret an equivalence of vigilance and interest?

Robin Horsfall: The word “equivalence” is an insult to us as veterans. When you compare law-abiding servants of the Crown who were on the ground to keep the peace and support the—



Q192 **Chair:** Mr Horsfall, maybe I was not clear. I was talking about equivalence of approach or interest, not equivalence of action. We have heard from you and others that you believe there is a disproportionate interest in the prosecution of veterans and a lighter touch with regard to those accused or potentially accusable of terrorism. My question to Mr Young was whether a rigorous and proactive assessment of this cache, with an attempt to bring prosecutions or whatever, would help in addressing the concern the three of you have expressed, namely that there is a disproportionate or unbalanced approach of interest, activity and resource targeted towards former police officers and military personnel rather than to others.

Paul Young: It would, but is there the manpower and the resources to actually carry out such an exercise? Would that breach any European Court of Human Rights articles, which I believe some are now trying to put into effect to wipe out all those repositories because they are not allowed to be kept? I think there is an exercise going on right now in Northern Ireland to look at that. We cannot possibly afford to lose all the opportunities to bring forward the people who may have committed the most heinous human rights abuses by having that system wiped. It should go forward to an active search to see if anybody could be brought before the law because of pure good evidence to bring a case forward.

Q193 **Chair:** We have been hearing throughout this inquiry that there is a job that needs to be done. There is a job that needs to be defined to be done, but there is a job that needs to be done. The two enormous hurdles are resources, in terms of personnel and money, to deliver it and achieve it in a meaningful timeframe. That has to be a predominant concern, does it not?

Paul Young: It does. Something that I am pretty certain contravenes one of the European articles is the disallowing of former detectives and investigators from the Royal Ulster Constabulary from being included in any of these investigations. Certainly, they can be used for certain things like trawling through all these. Unfortunately, with the proposals under the Stormont House agreement, they are excluded. Even in Op Kenova, they have been excluded. I am not even sure that it is legal for them to do. I suppose I could understand some victims' concerns that it is like the police investigating the police, but there are plenty of really good detectives with a wide range of experience, not only in the context of what happened in the past, because they were there living it, but in their skill base as well. That should be used and should not be debarred.

Q194 **Chair:** Without necessarily giving bona fide credence to what we have heard in previous exchanges, this speaks to the earlier question with regards to vexatious claims. In a situation whereby military police investigated an event in a short period of time, and we have heard sometimes it has been an hour of investigation—"There is nothing to answer here, nothing to see here, case closed"—would it be vexatious to revisit that, should such a case exist?



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Paul Young: It depends if there is new evidence. I understand what you are saying, by today's standards and even probably back then. That is all that they were able to do. It still goes back to the question: is there any new evidence? It comes down to that.

Q195 **Chair:** We have heard that a number of investigations, as a result of both resource and time spent, did not meet the evidentiary and investigative hurdles that prevailed at the time, thereby, advertently or inadvertently, playing into a narrative of collusion and obliqueness: "sweep it under the carpet." Setting aside whether there was new evidence, predicated on the length of time that an investigation took place and who was undertaking it, would that be a vexatious revisit?

Paul Young: No, I do not think so. I would say not. If I may just very quickly expand on that, they are considering doing a serious case review, so that could come under that. If they do find something, that is fine.

Q196 **Stephen Farry:** Chair, I just got my first question out there, but you kindly entered into where I was heading with this. I do not buy into the narrative of "vexatious." It is a perception, but the witnesses have been very clear that they do not accept the Stormont House agreement. Surely their issue with the vexatious perception is the current fragmented system around legacy. That begs the question that it would be better if there was a comprehensive process in place and, if not Stormont House per se, something else that was comprehensive that was potentially reinvestigating right across the board, including situations where the death was associated with a state actor, but also situations where republican and loyalist terrorists were involved.

Robin Horsfall: It almost appears that Stephen is suggesting that we have another inquiry on top of the existing inquiry on top of the previous inquiries. I do not believe that any new inquiries, any new legacy or any new investigations are going to improve what we already know over time. Evidence does not improve with time. Because it does not improve with time, we are getting further and further away from the incidents.

I honestly believe that we should be looking for an opportunity to bring these investigations to a final closure because, if the GFA achieved anything, it was a reduction in violence in Northern Ireland, investment in Northern Ireland and the raising of living standards of the people of Northern Ireland. That is letting a sleeping dog lie, but the legacy investigations seem to be focused on creating division for political reasons and helping people to gain votes, rather than truth and reconciliation. That is sad.

We want our legacy to be peace in Northern Ireland, which in the most part has been achieved. We do not believe that the new proposals are going to do anything for the veterans who have been previously investigated and prevent future ones.

Q197 **Stephen Farry:** Could I maybe turn that on its head? I appreciate that



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there has been a narrative throughout this about the dangers of rewriting the past. Could I put it to the witnesses that there is a different type of danger here? If we end up in the situation where we essentially close off all investigations, but in some eyes that is driven to protect veterans from further investigation, is there a danger that we take people who served in the main honourably, were there to uphold the rule of law, were qualitatively different, as far as you can imagine, from the terrorists, and inadvertently get a situation where the terrorist and the veteran are seen as equal combatants in a conflict, which is what the republican movement is trying to achieve?

Surely a situation where we are still pursuing justice, upholding the standards around the rule of law and investigating where that is appropriate is the better tribute to our veterans, in that we are continuing to distinguish them and not reducing them to the same level as the terrorists.

Robin Horsfall: Yes, if I understand you right. If there is new and credible evidence for an individual investigation, it should be in the hands of the Police Service of Northern Ireland. Let them carry on with it as they would any other criminal investigation. To have legacy teams searching through, spending a fortune, digging up old ground, farming the history, is not going to achieve anything for the future peace process in Northern Ireland.

You mentioned the word “equivalence” in terms of republican combatants compared to peacekeeping members of the security forces. The point I wished to make earlier was that this is an insult to us. It is like comparing paedophiles with parents. One is out there committing murder as the main purpose of creating terror for a political objective, and the other side is there attempting wholeheartedly to keep the peace. The word “equivalence” is something we really want to get away from.

Q198 **Stephen Farry:** I certainly share the objective of not creating that equivalence, but I am just concerned that, inadvertently, through the course of action you want us to take, you could end up in that situation. I do not think that is in your interest at all.

Robin Horsfall: Yes, and I understand that. That is why we have suggested that an independent senior member of the judiciary should be able to say, “This one can go forward and this one should not.” It should not be in the hands of the director of public prosecutions in Northern Ireland.

Q199 **Chair:** Mr Wragg, do you have anything to contribute from your organisation’s point of view? There are some similarities of view but there are also some differentials of view between Mr Horsfall and Mr Young.

Harry Wragg: It just goes back to what I was continually saying. We, the people and the veterans, just feel totally overlooked. It is how they feel or the public feel. Nothing is taken into consideration.



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One thing that you need to remember with the British armed services is that we all work under rules of engagement. We always have worked under rules of engagement and we also had our own judiciary. If, at any time, any soldier or service personnel had committed, or was thought to be committing, a crime in any way, shape or form, there was a system to bring those people to justice. We are the same. All three of us are the same. If there is a wrongdoing, if there has been a wrong, that person should be prosecuted. That is where we stand. It is quite simple. I have got numerous messages and the common people of this country feel that, yet again, we are being sold down the river to the terrorists.

Q200 **Chair:** Mr Wragg, are you able just to refresh our memory? You referenced the perfectly legitimate process a moment or so ago. Are you able to refresh the Committee's memory as to how many men and women in uniform were found guilty?

Harry Wragg: I am not, Chair. I am savvy to the information, but I am sorry, Sir. Given my concentration levels and ability, I am unable to do that.

Q201 **Chair:** Mr Young or Mr Horsfall, do you know the answer that?

Robin Horsfall: I can provide some information. There were four members of the armed forces who were convicted of murder during the 30 years of the Troubles and sent to prison for that.

Q202 **Chair:** That was four out of how many trials?

Robin Horsfall: I do not know how many trials. There were four soldiers convicted.

Q203 **Chair:** Is that some data that you would be able to provide to this Committee?

Robin Horsfall: Yes, I can provide it to you later, Sir.

Chair: I know that our Clerk will have taken note and I am grateful to you for that. I am seeing no indication from colleagues who wish to contribute further to this elongated—but incredibly useful in its elongation—session. On behalf of the Committee, Mr Wragg, Mr Horsfall and Mr Young, can I thank you for finding the time to join us this morning and for answering our questions in the way that you have? We are very grateful to you for that.

Committee, this is our last session before the House rises next week, so I wish you all a very happy, safe and secure recess. We will reconvene, recharged, reinvigorated and anything else you can care to think of, in September. On that happy note, I close the meeting.