

Written memorandum submitted to:

Northern Ireland Affairs Committee (NIAC) concerning
Gaddafi/IRA terrorism and Mr William Shawcross
unpublished report due to national security

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1 Introduction

On behalf of the victims and their families within mainland GB, Northern Ireland and the Republic of Ireland, ahead of my oral evidence session at Northern Ireland Affairs Committee (NIAC) on Thursday the 15th of April 2021, I would like to submit the following written memorandum.

My name is Jonathan Ganesh and I sustained a number of injuries during the London Docklands IRA attack on Friday the 9th of February 1996. This incident also killed my two friends Inam Bashir and John Jeffries (JJ) who had been working in their newspaper kiosk adjacent to South Quay DLR Station; this attack also left 42 severely injured with life changing injuries.



Jonathan Ganesh injured in the London Docklands 1996

Credit: East London Advertiser

For the past 25 years I have been President of the DVA (Docklands Victims Association) which was formed in the aftermath of the London Docklands IRA attack. The DVA supports all victims of terrorism and have initiated a number of humanitarian projects that have enhanced humanity.

I have previously given written and oral evidence to NIAC approximately 6 years ago on Wednesday the 9th of September 2015 regarding the victims of Gaddafi IRA terrorism. Therefore, we welcome this opportunity to update the NIAC regarding this outstanding matter and our recent concerns.

2 The Shawcross Report

On behalf of all the victims of Gaddafi IRA terrorism in mainland GB, Northern Ireland and the Republic of Ireland, we would like to express our concerns as consequence of Mr Shawcross evidence session at the NIAC on Wednesday the 24th of March 2021.

During his evidence session he advised NIAC he had apparently met with a number of individuals from within Northern Ireland, who requested confidentially and anonymity, as they astonishingly advised him that the victims of Gaddafi/IRA terrorism should not receive any compensation from Libya despite the appalling discrimination which has occurred. The victims and their families are immensely concerned due to the lack of transparency due to these anonymous contributors to the Shawcross report.

I have travelled to Northern Ireland on a number of occasions and I can confirm that the vast majority from all side of the communities support our campaign for equality.



Jonathan Ganesh of the DVA in Stormont Northern Ireland Assembly working with all sections of Northern Ireland communities to secure compensation from Libya

Credit: Docklands Victims' Association

Therefore, we are all very concerned that following the appointment of Mr Shawcross he was approached by unknown individuals or organisations who expressed issuing compensation would apparently be problematic. It also appears they informed him not to raise expectation of the victims; and also advised him not to meet the victims and their families. He continues to be advised that his appointment was apparently a waste of time.

Following Mr Shawcross's evidence session on Wednesday the 24th March 2021 at NIAC inquiry and his remarks regarding that he was apparently

restricted as to what he could actually divulge to NIAC due to confidentiality and his obligation to HMG, I feel that I would like to clarify a number of issues that were raised with him during our meeting on Thursday 14th of March 2020. However, I would like to confirm that I have no concerns whatsoever regarding confidentiality as the DVA is a very transparent organisation and has nothing to hide. Due to Mr Shawcross's evidence session it appears others who engaged with him may not wish to be identified.

On behalf of all the victims of Gaddafi/IRA terrorism in mainland GB, Northern Ireland and the Republic of Ireland, we would like to express we are devastated to learn that the long-awaited Shawcross Report will not be made public due to national security. Mr Shawcross, who was appointed as our representative on Wednesday the 6th of March 2019 by HMG, appears now unable to help the victims and their families. HMG's conduct is heartbreaking as Mr Shawcross's appointment understandably raised expectations. However, in the absence of Mr Shawcross's report I felt that I would like to advise NIAC of the DVA's engagements with the Libyan government and HMG during the past 14 years as I felt this may be helpful within section 3 of this document.

3 History

Colonel Muammar Gaddafi supplied massive amounts of deadly Semtex explosives, weaponry, finance and training to the IRA which facilitated their murderous campaign that devastated the UK. As a consequence of the deadly Semtex explosives that Gaddafi eagerly supplied, countless innocent people were maimed and bereaved in horrific attacks such as London Docklands, Baltic Exchange, Bishopsgate, Warrington, Harrods, Aldwych, Manchester and Enniskillen.

During 2008, as a result of the US government supporting their victims who were killed and maimed in the UK by IRA terrorism, many US citizens received substantial compensation under the "Libyan Claims Resolution". As a consequence of Gaddafi's support for international terrorism, France and Germany's governments also managed to secure compensation for their victims of Libyan-sponsored terrorism. Due to the support of US, French and German governments for their victims of terrorism these citizens have obtained access to superior medical care and financial security whilst, at the same time, those in the mainland GB, Northern Ireland and the Republic of Ireland received nothing.

The HMG has continually regarded this issue as a private matter and feel that the victims must resolve this by themselves. HMG's appalling lack of support

for our own victims of Gaddafi/IRA terrorism has forced the victims and their families to challenge this appalling lack of equality that devalued the life of countless innocent victims.

For more than 14 years the DVA, with the support of a number of other victims groups, and alongside a vast number of very kind parliamentarians from the House of Commons and the House of Lords from across the political spectrum, have campaigned courageously to rectify the appalling lack of equality that saw US, French and German victims of Gaddafi/IRA terrorism receive substantial compensation whilst those in mainland GB, Northern Ireland and the Republic of Ireland received nothing.

Our campaign has been highly featured in the media during the past years due to the appalling lack of support by HMG; and the DVA delivered a petition to Prime Minister David Cameron at Downing Street on Monday the 21st of May 2012 after receiving more than 14,000 signatures online supporting our campaign for equality.

During September 2015 the Northern Ireland Affairs Committee (NIAC), after years of vigorous campaigning by the victims and their families, opened an inquiry into this matter. The NIAC findings saw them heavily criticise successive HMGs and make a number of recommendations. A key recommendation by NIAC was that HMG must open this matter at government-to-government level with the Libyan government and not expect the victims to resolve this matter by themselves. Sadly, the HMG appears to have ignored these recommendations.

It emerged from the NIAC inquiry during 2015 that HMG have missed number of unique opportunities to resolve this matter with the Libyan government throughout these past years including during Prime Minister Tony Blair's meeting with Gaddafi in 2004. Sadly, we feel the victims and the families were forgotten by HMG as they appeared more preoccupied with securing lucrative trade deals with Gaddafi despite being aware of the appalling lack of equality.

A number of courageous Parliamentarians in 2018 introduced private bills in the House of Commons and the Lords to seek redress for the victims and their families in the hope of securing a percentage of Gaddafi's assets, estimated to be worth £12 billion, as confirmed by the UK Treasury in 2016. Sadly Conservative Party MPs astonishingly blocked these bills that would have made a moral stand for all victims of terror within the UK by holding Gaddafi to account.

On the 5th of April 2011, as a result of the victims' and supporters' determination to rectify this injustice, representatives managed to obtain a Memorandum of Understanding from Mr Mustafe Abdul Jalil chairman of the National Transitional government of Libya in Benghazi, agreeing to compensate all the Gaddafi/IRA victims within the UK. Sadly, the HMG at the time refused to help the victims to enforce this Memorandum of Understanding and, instead, chose to ignore our desperate pleas for help.

During the past 14 years I and victims have meet with Prime Minister Gordon Brown on Wednesday the 10th of December 2008 and Ministers from the Foreign Commonwealth and Development Office (FCDO), Home Office (HO) and Northern Ireland Office (NIO) and HMG officials. I feel these meetings, albeit very courteous and sympathetic; have not actually moved this matter forward.

The DVA have been forced to independently finance our campaign for equality and conducted all previously engagements with the Libyan government with no support from HMG. I feel this undoubtedly illustrates HMG's lack of genuine desire to resolve this issue.

HMG's deplorable and disingenuous strategy to secure compensation from the Libyan government has resulted in a number of victims taking or attempted to take their own lives in desperation. Gemma Berezzag, who had publicly campaigned on this appalling lack of equality as she desperately needed financial support to care for her severely disabled husband Zaoui, left severely injured in the London Docklands IRA attack in 1996, took her own life on Thursday the 12th of May 2016. The lack of support from the UK Government forced Gemma, along with other victims, to directly approach and meet with the Libyan government in the hope of securing compensation for all those left maimed and bereaved. We feel this unnecessary stress undoubtedly had a detrimental impact on the mental health of the victims who have valiantly campaigned on this issue.

"Her son Farid said: "I'm sorry but I hold successive UK governments responsible for her death, due to the stress and pain caused. Successive UK governments refused to help her in attempts to secure compensation for my poor Dad and for others left severely injured."Farid added that it broke his mother's heart that the US, France and Germany successfully pursued Libya for compensation for citizens maimed by Libyan sponsored terror attacks".

Friday, 6th December 2019, Mr Farid Berezzag son of Mrs Gemma Berezzag. Newsletter.

Due to the overwhelming public support that our campaign has received, the HMG was finally forced to appoint a Special Representative for UK victims of Gaddafi/IRA terrorism. On the Wednesday the 6th of March 2019 Mr William Shawcross was instructed by HMG to compile a comprehensive report into securing compensation for all victims of Gaddafi/IRA terrorism. The long-awaited report by Mr Shawcross was completed in March 2020. However, the victims and their families are absolutely heartbroken to discover HMG will not release this report due to reasons of national security. Sadly, the appalling treatment of victims, along with the broken promises and preposterous strategies by HMG has aggravated victims' deep-seated Post Traumatic Stress Disorder (PTSD) and other mental health conditions.

4 Meeting with the UK Victims Representative Mr William Shawcross

As a result of Mr William Shawcross's evidence at the Northern Ireland Affairs Committee (NIAC) on Wednesday the 24th of March 2021 concerning my meeting with him, I would like to clarify this matter.

I can confirm that I and Mr Wayne Gruba BEM from the DVA met with Mr Shawcross and his colleague on Thursday 12th of March 2020. I have reviewed my notes of this meeting.



DVA President Jonathan Ganesh meeting Mr William Shawcross 2020

Credit: Docklands Victims' Association

During our meeting we discussed a number of issues with Mr Shawcross. I found him to be kind, courteous and sincere. He appeared to be genuine in his approach to help all those impacted by Gaddafi/IRA terrorism. However, he appealed for our discretion regarding this meeting due to contractual obligation to HMG and requested that this meeting would be private.

Prior to meeting Mr Shawcross I had sent him detailed information to assist him during his report.

During our meeting, which lasted for approximately 1 hour, Mr Shawcross appeared to be very interested in our campaign for equality and asked a number of very relevant questions. I feel these questions illustrated to me and Mr Gruba that he was very sincere in his desire to help secure compensation for all those impacted by Gaddafi/IRA terrorism. However, as a consequence of observing Mr Shawcross's evidence session on Wednesday the 24th of March 2021 at NIAC inquiry and his remarks regarding that he had to be cautious as to what he could actually divulge due to confidentiality and his obligation to HMG, I feel that I would like to clarify a number of issues discussed with him. In addition I and Mr Gruba would like to express that we have no concerns whatsoever regarding confidentiality as the DVA is very transparent. It is concerning, due to Mr Shawcross evidence session, that it sadly appears others who engaged did not wish to be identified.

Mr Shawcross had been publicly appointed by HMG on Wednesday the 6th of March 2019 to represent the victims of Gaddafi/IRA terrorism and to initiate a report concerning compensation for Gaddafi/IRA victims and their families. I understand his report was submitted to HMG during March 2020. However, due to the apparent reluctance to publish this report by HMG we subsequently made a request under the Freedom of Information Act (FOIA). The DVA and the victims were absolutely bewildered to learn his report was now apparently classified due to national security as a consequence of the following:

"The FOIA request was refused by the FCDO in its entirety on the basis that the report relates to the formulation of government policy. It was also refused on the grounds of National Security, that it would prejudice international relations, that it would prejudice relations with the Northern Ireland Executive, and that it contains personal information and information provided in confidence".

During our meeting with Mr Shawcross, who appeared to be very sincere and dedicated to his task due to the desire to collate appropriate information during our meeting, I felt his report could be of immense value to move this matter of compensation forward. Therefore, as Mr Shawcross requested, we supplied the following information to him which I feel was not disclosed during his evidence session and could help clarify the issues NIAC raised.

As a consequence of the DVA work during the past 14 years on this issue, in consultation with the other victims groups; we have established that there are approximately 1,000 victims that would be eligible for compensation.

Mr Shawcross expressed concern as to how the Gaddafi IRA victims' claims against Libya could be verified. However, due to the DVA experience supporting all those impacted by terrorism, we were very pleased to illustrate to him that all potential claimants could easily be identified and verified using present existing Police and NHS databases that are already used to verify claims to the Criminal Injury Compensation Authority (CICA) and Victims and Survivors Service Northern Ireland (VSSNI). This present procedure to confirm eligibility to existing schemes is presently used successfully and could be easily adapted to verify victims of Gaddafi/IRA terrorism.

During our meeting with Mr Shawcross we discussed as to how this proposed compensation scheme would help and support those impacted by Gaddafi/IRA terrorism. I informed Mr Showcross that those left severely disabled would benefit enormously. Severely disabled victims could access special medical care/equipment, new advanced electrical wheelchairs and finally gain access to complementary therapy etc. Sadly victims in mainland GB, Northern Ireland and the Republic of Ireland, due to deteriorating health, are suffering and such compensation would enhance their quality of their lives immensely.

The DVA have spoken to a number of victims from US, France and Germany, who have secured compensation from Colonel Muammar Gaddafi due to their governments' intervention, who confirmed that their lives had improved enormously since securing compensation from Gaddafi 14 years ago. A number of victims from mainland GB, Northern Ireland and the Republic of Ireland, due to insufficient financial resources, had to sell their homes to pay for residential support within elderly care facilities. In addition compensation should also be paid to those that suffered the appalling loss of a main bread winner due to bereavement as this would provide much needed financial support.

Mr Shawcross, during our meeting, appeared to be distressed to learn of the victims who had taken their own lives during our campaign for equality. He became very concerned as I informed him of Mrs Gemma Berezzag who had been caring for her severely disabled husband Zoau. Her husband Zoau was left brain damaged, blind and was an amputee as a consequence of the horrific injuries he sustained in the London Docklands IRA attack on Friday the 9th of February 1996. She desperately needed additional financial support to provide extra care as his condition was deteriorating rapidly. Mrs Berezzag was

member of the DVA and also attended a number of meetings in the Foreign Commonwealth and Development Office (FCDO) and the Libyan government, as she was advised by FCDO that she should speak directly with the Libyan government concerning compensation.

“Please forgive me as I’m unable to speak to you today because I have to look after my husband Zaoui. He is very badly disabled. I used to work as a cleaner in the Midland Bank in Marsh Wall. I’m not important person but you are very important and good people who are trying to help the poor victims. I beg you please help my Zaoui and all those disabled who need help in the UK. He was disabled because IRA used Gaddafi Semtex to hurt him and many others in the Canary Wharf attack the 9th of February 1996. My Zaoui is now very ill and getting very worse. He is blind, paralysed, brain damaged and has no leg. I do my best to care for Zaoui. He is now in nappies and is in special medical bed. Things are very difficult and Zaoui can’t remember me but I will do my best to care for him as I love him and can’t imagine my life without him. I found it struggle as I have to buy nappies and care for him with little help. My Zaoui is disabled because IRA used Semtex to hurt him and so many good people in the UK. My friends Bashir and JJ were also killed in the Canary Wharf attack. The IRA used Semtex to kill and caused so many people to be disabled in the UK like my Zaoui. The USA IRA victims have been given help by Gaddafi so that they can have better care and medical help but my Zaoui and others were turned away as he has UK passport. This made me very sad as this could have helped us get better care for the disabled victims like Zaoui. It was so unfair for the UK victims to be turned away. I’m sorry but the Government have let my Zaoui and others down. I went to Government Foreign Office with Zaoui’s friends Jonathan and Ihsan but they told us that they could not help and we must do this ourselves. I sorry I don’t know how to do this but I did try. I went to Libya Embassy with Jonathan and Ihsan because I speak Arabic to get help for my Zaoui and all the victims in UK but I got upset and cried. I don’t understand why the UK Government would not come with us to help us. Please help my Zaoui and all the disabled victims. I beg you as they need help so we can give better care. May Allah bless you and the Committee.

Written Evidence submitted by Gemma Berezzag for the Northern Ireland Affairs Committee’s inquiry September 2015

I informed Mr Shawcross that I, Mrs Gemma Berezzag, and Mr Ihsan Bashir, whose brother Inam was killed in the London Docklands, Mr Wayne Gruba and Mr John Foley managed to secure meetings with officials at the Libyan Embassy in London on a number of occasions. However, after securing meetings we desperately requested assistance from FCDO as we hoped they would provide diplomatic support and an interpreter. However, our requested for assistance was rejected as the FCDO felt this was a private matter. Mrs Berezzag, who was a fluent Arabic speaker as she was born in Morocco, courageous volunteered to become our interpreter due to her desperate desire to help all the victims of Gaddafi IRA terrorism.

On Thursday the 12th of May 2016 Mrs Berezzag, who I had known for approximately 22 years and was loved by all he knew her, took her own life due to their desperation she felt. I and others feel sadly that HMG's absurd strategy concerning compensation had a detrimental effect on her mental health.



Mrs Gemma Berezzag with husband Zaoui

Credit: Kay Lockett



Mr Zaoui Berezzag

Credit: Kay Lockett

During our meeting, I also disclosed to Mr Shawcross previous settlements that Gaddafi had paid to US, France and German victims and their families. I expressed that under the “Libyan Claims Resolution Act” in the US, US victims received substantial compensation. I informed him that US citizens severely injured in the Harrods IRA in London attack on the 17th of December 1983 such as Mr Mark McDonald received approximately 3 million US Dollars due to the injuries he sustained. I also confirmed that US citizens who lost their lives in the UK were compensated to the amount of approximately 10 million US Dollars. Fortunately, with the support of their governments, these victims managed to obtain access to specialised medical care and financial security.

Mr Shawcross did discuss present compensation schemes that exist to support victims impacted by terrorism such as Criminal Injury Compensation Authority (CICA) and Victims and Survivors Service Northern Ireland (VSSNI) etc. However, I expressed to Mr Shawcross that the victims and their families have received inept support and inadequate compensation for their deteriorating health conditions.

It would also be immensely difficult to resubmit a claim to CICA after their initial award. In addition the VSSNI awards victim’s payments of £500 yearly but this is totally inept as sadly others are preventing from accessing this scheme as application had to be submitted before April 2017. Therefore, many victims and their families have been denied access to this sum of £500. I understand the VSSNI are reviewing this matter due to the number of complaints received from the DVA and others victims groups condemning this actions.

I overwhelmingly emphasised to Mr Shawcross that we did not want to pursue compensation from the UK funds, as the US, France and Germany victims had achieved with support from their governments, to hold Colonel Muammar Gaddafi to account for their role in facilitating the maiming and killing of countless UK and Irish victims. In addition, as can be confirmed in the NIAC archive of written evidence submitted during 2015, a number of victims and their families stated that they do not require any compensation for the loss of their child murdered by Gaddafi IRA terrorism. However, they felt the HMG should pursue this issue for all those killed and maimed as a matter of moral principle.

“I would like to express, as I have previously stated in the media and to the Prime Minister in writing, I will not accept or require any financial compensation for the loss of my son. However, I have immense sympathy with all the victims of Gaddafi Semtex who have been left severely disabled such as our friend Zaoui Berezzag and others in the UK. Mr Berezzag has been left severely disabled and is now blind.”

Written Evidence submitted by Mrs Hamida Bashir for the Northern Ireland Affairs Committee’s inquiry September 2015

Due to the work of the DVA with victims and families in mainland GB, Northern Ireland and Republic of Ireland, I informed Mr Shawcross we would also like an official apology from HMG as a consequence of their lack of genuine support for the past 14 years. I reiterated to him that HMG has caused immense suffering to their victims and their families due to their lack of genuine commitment to resolve this issue; and implementing absurd strategies such as expecting the victims to resolve this issue by themselves.

During our meeting with Mr Shawcross I genuinely felt he was attempting to find a way forward for the victims and their families. He appeared to be very sincere but more importantly I believed he was attempting to move this matter forward. Therefore, as a consequence of Mr Shawcross’s recent evidence at the NIAC myself and many victims felt concerned as he appeared to imply that he could not disclose relevant information to NIAC due to his contractual obligation to HMG concerning his report. In addition, despite his report and his appointment as our victim’s representative being publicly announced by HMG on Wednesday the 6th of March 2019, he said the report was apparently never intended for publication. However, I and many other genuinely believed that his report would be made accessible to the victims and their families. In addition HMG’s Press Release concerning Mr Shawcross appointment indicated and confirmed his commitment to victims and their families. It can

be ascertained from HMG's Press Release there is no mention that Mr Shawcross report will be a private document.

Press release

Foreign Secretary appoints Special Representative on UK victims of Qadhafi-sponsored IRA terrorism

William Shawcross will take on new role to bring greater focus to efforts to obtain redress from the Libyan government.

From: [Foreign & Commonwealth Office](#), [The Rt Hon Alistair Burt](#), and [The Rt Hon Jeremy Hunt MP](#)

Published: 6 March 2019

The Foreign Secretary has announced the appointment of William Shawcross as his Special Representative on UK victims of Qadhafi-sponsored IRA terrorism. This follows discussions with UK Parliamentarians about how best the UK Government can support and facilitate the efforts of victims to obtain redress from the Libyan government.

William Shawcross was previously Chair of the Charity Commission and has a broad range of experience, including in human rights and a distinguished record in journalism stretching back more than 40 years.

Former Libyan leader Muammar Qadhafi supplied weapons, including Semtex explosives, to the IRA during the Troubles. The UK Government takes this issue extremely seriously and is committed to supporting the victims of Libyan-sponsored IRA terrorism. UK Ministers and diplomats in Libya continue to press the Libyan authorities to engage constructively with victims and their representatives.

More broadly the UK is actively engaged in efforts to support the UN-led political process in Libya, the objective of which is to facilitate agreement with Libyans on a more inclusive political settlement, which would be the best way of stabilising the country.

Middle East Minister Alistair Burt said:

It is excellent that William Shawcross has agreed to take on this important new role, which will help move us closer to resolving this pressing issue.

I am confident that William's appointment will bring greater focus to our efforts to support the victims of these terrible acts of terrorism.

As the Foreign Secretary's Special Representative on UK victims of Qadhafi-sponsored IRA terrorism, Mr Shawcross's role will be to help inform the government's approach to this issue. The precise terms of reference are being finalised, but among the issues Mr Shawcross will advise on is the amount of compensation that should be sought.

William Shawcross said: I am honoured to be asked to undertake this hugely important challenge. The victims of the IRA terrorism sponsored by Qadhafi deserve all support for their efforts to obtain redress from the Libyan government"

It is undoubtedly evident from the above Press Release from HMG concerning Mr Shawcross's appointment that the victims of Gaddafi/IRA terrorism had their expectation raised. I'm appalled that HMG appear to have reneged on their promise and this has caused immense distress and pain to the victims. The DVA offices in London were inundated from victims and their families who have become stunned with HMG's conduct.

The day before Mr Shawcross (Tuesday the 23rd of March 2021) was due to give evidence to the NIAC inquiry, Rt Hon James Cleverly Foreign Office Minister of State for Middle East and North Africa issued a statement on behalf of HMG. The publication of this statement caused public outrage as victims and families felt cruelly let down. However, during Mr Shawcross's evidence at the NIAC he was asked to comment on the HMG statement. Mr Shawcross expressed he was "surprised and disappointed" with the contents of the statement. Many victims and their families felt Mr Shawcross comments, which I felt were very sincere, indicated that he may have made a number of recommendations to HMG that could move this matter forward. Mr Shawcross's comments did not support the HMG's statement. However, I appreciated, as stated by Mr Shawcross at the NIAC inquiry, he was extremely restricted by what he could divulge due to his contractual obligation to HMG.

5 Rt Hon James Cleverly Foreign Office Minister of State for Middle East and North Africa statement on 23rd of March 2021

As a consequence of reviewing Rt Hon James Cleverly Foreign Office Minister of State for Middle East and North Africa statement issued a day before Mr Shawcross was about to give evidence to the NIAC inquiry, we are all very concerned due to his comments:

“In March 2019, the then Foreign Secretary, the Rt Hon Jeremy Hunt MP, appointed Mr William Shawcross as his Special Representative on UK victims of Qadhafi-sponsored IRA terrorism. Mr Shawcross was commissioned to write an internal scoping report on the subject of compensation for UK victims of Qadhafi-sponsored IRA terrorism. Mr Shawcross submitted his report in March 2020.

The Government thanks Mr Shawcross for his report. Since it was commissioned as an internal scoping report, to provide internal advice to Ministers, and draws on private and confidential conversations held by Mr Shawcross, the Government will not be publishing the report.

These important issues have needed careful and thorough consideration across Government given the complexity and sensitivity of the issues raised.

The UK Government reiterates its profound sympathy for UK victims of Qadhafi-sponsored IRA terrorism and indeed for all victims of the Troubles. We recognise the pain and suffering of victims of violent crime, including terrorism, and provide publicly funded support and compensation schemes for those affected.

The UK Government is clear that the primary responsibility for the actions of the IRA lies with the IRA. Nevertheless, the Qadhafi regime’s support for the IRA was extensive. It is widely documented in the public domain. It involved money, weapons, explosives and training from the 1970s onwards. It helped fuel the Troubles in Northern Ireland and enhanced the IRA’s ability to carry out attacks in Northern Ireland and Great Britain.

The responsibility for providing compensation specifically for the actions of the Qadhafi regime lies with the Libyan State. The Government has therefore repeatedly urged the Libyan authorities, including at the highest levels of the Libyan government, to engage with UK victims and their representatives, and to address their claims for compensation.

However, there are clear practical difficulties in obtaining compensation from Libya for Qadhafi-sponsored IRA terrorism. The conflict, political instability and economic instability that have prevailed in Libya for most of the last ten years since the fall of the Qadhafi regime present particular challenges.

Mr Shawcross has considered these issues, including the difficulties of defining UK victims of Qadhafi-sponsored IRA terrorism given the extensive nature of Libyan support for the IRA, and the range of proposals for providing compensation to victims. The Government has reflected fully on these issues. The Government's considered view is that an additional, UK-funded mechanism for providing compensation to victims of the Troubles would not provide accountability for the specific role of the Qadhafi regime in supporting the IRA.

Mr Shawcross also considered whether compensation for UK victims should be funded from Libyan frozen assets in the UK. Under international law, when assets are frozen, they continue to belong to the designated individual or entity. Frozen assets may not be seized by the UK Government.

In implementing financial sanctions, the UK is obliged to comply with the relevant United Nations obligations. UN Security Council Resolution 2009 (2011) states that the aim of the Libya financial sanctions regime is "to ensure that assets frozen pursuant to resolutions 1970 (2011) and 1973 (2011) shall as soon as possible be made available to and for the benefit of the people of Libya". There is also no legal basis for the UK to refuse the release of frozen assets once conditions for delisting or unfreezing those assets set out in UN Security Council Resolution 2009 of 2011 are met.

Therefore, regrettably, the UK has no legal basis to seize frozen Libyan assets or to refuse the release of frozen assets. The Government cannot lawfully use Libyan assets frozen in the UK to provide compensation to victims.

The UK Government has also considered whether it should provide compensation to victims from public funds, which it may subsequently recoup from Libya. The responsibility for providing compensation specifically for the actions of the Qadhafi regime is the direct responsibility of the Libyan State. It is not therefore for the UK Government to divert UK public funds specifically for this particular purpose.

Victims of violent crime, including terrorism, occurring in Great Britain can access the Criminal Injuries Compensation Scheme, funded by the UK Government, subject to eligibility criteria and time limits. Bereaved family members can access bereavement and funeral payments. In Northern Ireland, victims have access to the

Northern Ireland Criminal Injuries Compensation Scheme. The Troubles Permanent Disablement Scheme, to be delivered by the Northern Ireland Executive, will provide acknowledgement payments to people living with permanent physical or psychological disablement resulting from being injured in Troubles-related incidents. Details of when the scheme will be open for applications, and how people can apply, will be published by the Northern Ireland Executive.

The UK will continue to press the Libyan authorities to address the Libyan State's historic responsibility for the Qadhafi regime's support for the IRA".

It appears from this statement that HMG feels the victims of Gaddafi/IRA terrorism should apparently still attempt to resolve this issue by engaging with the Libyan government independently with no government support. I found this strategy to be absolutely absurd as for the past 14 years the DVA has actually attempted to achieve this by meeting Libyan officials including the Libyan Ambassador to the UK His Excellency Mr Mahmud Mohammad Nacua.



Jonathan Ganesh meeting Libyan officials and Libyan Ambassador Mr Mahmud Mohammad Nacua

Credit: Docklands Victims' Association

These meetings have proved to be futile for the victims and their families as the Libyan officials have realised that HMG will not open this matter at government level. Therefore, due to the lack of genuine support by HMG, it is very unlikely that our efforts will move this matter forward despite the

courageous and valiant attempt by the victims and their families. In contrast the US, France and German governments' robust support for their victims and their direct engagement with the Libyan government was instrumental in securing compensation for their citizens.

The statement from HMG indicated that due to concerns regarding Libya's present political instability it may be difficult to move forward on the issue of compensation. However, HMG appear to be liaising with the interim government of Libya concerning trade and have issued substantial aid. Therefore, we had hoped HMG could utilise its position with the Libyans to establish a humanitarian fund for all the victims of Gaddafi/IRA terrorism within mainland GB, Northern Ireland and the Republic of Ireland.

The statement of HMG confirms that the promised report by Mr Shawcross is now classified due to national security as said in the following:

The FOIA request was refused by the FCDO in its entirety on the basis that the report relates to the formulation of government policy. It was also refused on the grounds of National Security, that it would prejudice international relations, that it would prejudice relations with the Northern Ireland Executive, and that it contains personal information and information provided in confidence.

As a consequence of the FOIA request response I and a number of others felt the comments had been very disheartening.

Following the unwillingness by HMG to release Mr Shawcross's report, which has caused immense sadness to the victims and their families, I and many others feel that it still may be possible to redact the alleged sensitive information. By redacting this alleged sensitive information Mr Shawcross's recommendations within the report could be made available to the victims and their families.

However, I and many others, including a renowned former Foreign Secretary, feels that HMG's lack of support for their own victims of terrorism has already actually damaged the UK international reputation throughout the world. The governments of the US, France and German held Gaddafi to account and sadly HMG feel that the victims should resolve these issues by themselves. HMG must be instrumental and robust in resolving this issue to restore their international reputation.

I and Mr Wayne Gruba meet Mr Shawcross on the Thursday 12th of March 2020 and we can confirm that we have no concerns whatsoever with the information we have supplied to him in supporting his report being realised. Many of the victims and their families are very saddened and distressed to

learn that many others who contributed to Mr Shawcross report requested confidentially.

As a consequence of HMG comments regarding the Libyan Frozen Assets being held in the UK, estimated to be worth over £11 billion by the UK Treasury, it appears that HMG is unwilling to release a percentage of the Assets to his victims within mainland GB, Northern Ireland, and the Republic of Ireland. However, it has been confirmed by the UK Treasury that these Assets have generated approximately £17 million for the UK in interest to HM Revenue and Customs (HMRC). Therefore, we feel funds generated from the Libyan Assets being should be issued to a humanitarian fund for all those left severely disabled and bereaved by Gaddafi/IRA terrorism.

HMG, due to their statement, are now encouraging victims of Gaddafi IRA terrorism to submit applications to schemes such as Criminal Injury Compensation Authority (CICA) and Victims and Survivors Service Northern Ireland (VSSNI). However, the victims and their families would reject HMG's suggestion as we strongly desire to hold Colonel Muammar Gaddafi to account and not take funds from the UK taxpayer. The victims and their families want to hold to Gaddafi and his regime to account as we hoped that HMG would take a moral stand and hold those that supply deadly weaponry to terrorists to task. In additions, similar public funded forms of compensation exist in US, France and Germany for victims of crime. However, the US, France and German governments held Gaddafi to account as a matter of moral principle. Therefore, HMG suggestion that the victims and their families should make application to the CICA or VSSNI is abhorrent.

Victims support schemes such as the Criminal Injury Compensation Authority (CICA) and Victims and Survivors Service Northern Ireland (VSSNI) are very limited in the support they are able to provide and are difficult to access. VSSNI does issue payment of £500 a year but sadly other victims are not legible for this scheme as applications had to be submitted before April 2017. In addition Criminal Injury Compensation Authority (CICA) is very limited and would be difficult to resubmit application after an initial payment was awarded many years previously.

The Victims and Survivors Service Northern Ireland (VSSNI) provides counselling for victims but sadly we feel these, which are limited to 10 sessions, are insufficient and actually may aggravate mental health conditions such as Post Traumatic Stress Disorder (PTSD). DVA has worked with many victims who suffer with PTSD and other debilitating mental health conditions and have recognised that a sufferers of PTSD would benefit from unlimited

sessions as this would be more likely reduce the symptoms of PTSD and other mental health conditions.

On the Thursday the 12th of May 2016 Mrs Gemma Berezzag, who I had known personally for approximately many years and had campaigned vigorously to try to ensure equality for all victims of Gaddafi IRA terrorism, took her own life. Mrs Berezzag, who had been immensely loved by the DVA and all within her community, is greatly missed.

It has subsequently emerged that other victims during our campaign for equality have taken or attempted to take their own lives. Many feel the lack of adequate support from HMG for our campaign for equality contributed to victims attempting to take and actually taking their own lives.

Mr Joe Holbeach, who was left severely injured in the Enniskillen IRA attack on Sunday the 8th of November 1987, continues to be frequently hospitalised in the Blue Stone Hospital in Northern Ireland. He has attempted to take his life on a number of occasions. Mr Holbeach feels, due to the lack of support from HMG to secure compensation, that his life is worthless.

“I’m very sad as I feel the other victims of terror in Europe have been acknowledged by their governments whilst those in the UK and Ireland have been treated like rubbish,” Mr Holbeach said. “Other countries forced Gaddafi to compensate their victims who were left severely disabled by his actions and involvement in terror. Many victims in Northern Ireland and GB have taken their own lives and I have attempted to take my own life, in desperation due to their lack of care and concern by my own government.”

Friday, 6th March 2020 Joe Holbeach Newsletter

Mrs Gemma Berezzag and Mr Joe Holbeach's horrific suffering is not isolated as we are aware of a number of other victims from mainland GB, Northern Ireland and the Republic of Ireland suffering with severe mental health conditions. Sadly, victims and their families feel completely abandoned by HMG and this has sadly contributed to deteriorating mental health.

I am able to confirm that on Tuesday the 23rd of March 2021, the day before Mr Shawcross's evidence before the NIAC inquiry, FCDO contacted myself by email on behalf of HMG due to Rt Hon James Cleverly Foreign Office Minister of State for Middle East and North Africa's statement. The FCDO wanted to immediately brief the DVA as they had issued a statement concerning victims of Gaddafi/IRA terrorism. Therefore, I and Mr Wayne Gruba attended an online

briefing with the FCDO and during our conversation we were informed of the content of the Foreign Office Minister statement.

As a result of being made aware this statement we were very concerned and we immediately informed FCDO that we were very disappointed with this statement. FCDO officials sadly could not address our concerns as we were devastated that the promised Shawcross report was now never going to be published; and the FCDO still maintained victims and their families should resolve this issue by themselves. I advised that FCDO that this would only cause immense additional distress to the victims and their families as expectation had been raised with the appointment of Mr William Shawcross as our representative.

As a consequence of the Libyan frozen Assets being held in the UK, we feel that before returning the £11 billion to Libya HMG should open direct negotiation with Libya to ensure that all Gaddafi/IRA victims are appropriately compensated. The HMG, being a member of the UN Security Council, could morally veto returning these Assets until Libya honours the Memorandum of Understanding signed in 2011. As a result of outstanding UK legal actions against Gaddafi by a number of claimants in 2005 from the mainland GB, Northern Ireland and the Republic of Ireland, on 5th of April 2011, as a result of the victims' and supporters' determination to rectify this injustice, DVA representatives managed to obtain a Memorandum of Understanding from Mr Mustafe Abdul Jalil chairman of the National Transitional government of Libya in Benghazi, agreeing to compensate all the Gaddafi/IRA victims within the UK, Northern Ireland and the Republic of Ireland. The MOU undoubtedly strengthens HMG's position to veto returning the Assets until these issues are resolved.

6 Recommendations

The DVA, in consultation with the victims from mainland GB, Northern Ireland and Republic of Ireland would like to propose the following:

(a). The victims and families would like the promised Shawcross report concerning victims of Gaddafi IRA terrorism to be immediately released. However, although the Shawcross report is now classified due to national security, we feel the report could be released by redacting alleged sensitive information. Mr Shawcross alluded during his evidence at the NIAC inquiry that he apparently made a number of recommendations that may help move this issue forward. Therefore, we hope that HMG would publish the report as we feel these recommendations could be helpful.

(b) As a consequence, the public appointment of Mr Shawcross as our victim's representative for victims of Gaddafi IRA terrorism, as noted from the HMG's Press Release on the 6th of March 2019, raised expectations. Therefore, victims felt absolutely devastated to be informed that the report was never intended for publication despite HMG own comments indicating that Mr Shawcross would move this matter forward.

(c) The victims and their families through the DVA have campaigned vigorously for more than 14 years; meeting Libyan officials including the Libyan Ambassador. However, we feel that our efforts have been futile as HMG refuses to become directly involved. Therefore, the Libyans have realised that we are not supported by HMG due to their absences in all engagements and their lack of direct support.

(d) As a consequence of HMG comments regarding the Libyan Frozen Assets being held in the UK, established to be worth more than £11 billion, it appears that according to HMG that a percentage of the Asset cannot be released to his victims within mainland GB, Northern Ireland and the Republic of Ireland. However, it has been confirmed by the UK Treasury that the Assets have generated approximately £17 million in interest revenue and taxes. Therefore, we feel that funds generated from the Libya Assets being held in the UK should be issued to a humanitarian fund for all those left severely disabled and bereaved by Gaddafi/IRA terrorism.

(e) As a consequence of the Libyan Frozen Assets being held in the UK, we feel that before this approximately £11 billion is returned to Libya HMG should open direct negotiation to ensure that all Gaddafi IRA outstanding legacy issues are resolved.

(f) On the 5th of April 2011, as a result of the victims' and supporters' determination to rectify this injustice, DVA representatives managed to obtain a Memorandum of Understanding (MOU) from Mr Mustafe Abdul Jalil chairman of the National Transitional government of Libya in Benghazi, agreeing to settle the outstanding UK legal issues initiated in the US judiciary during 2006 and establishing a wider fund for all the victims of Gaddafi/IRA terrorism in mainland GB, Northern Ireland and the Republic of Ireland,. Therefore, we feel that HMG should immediately discuss this MOU with the Libyan government.

(g) As a consequence of HMG's appalling, preposterous and absurd strategies to resolve this issue, which has aggravated victims' mental health condition such as PTSD, we feel that HMG should confirm their true intentions. It is

absolutely heartbreaking for the victims and their families, many of whom are severely injured and suffering with severe mental health conditions, should resolve this matter by themselves. Therefore, as a consequence of victims taking or attempting to take their own lives such Mrs Gemma Berezzag, Mr Joe Holbeach and others we are very concerned that other victims will take their own lives if HMG does not implement genuine appropriate strategies with the Libyan government to resolve issue.

7 Conclusions

HMG, with the support of courageous parliamentarians and their citizens, have throughout history advanced humanity despite the difficulties and challenges faced. Therefore, we implore HMG to immediately intervene and restore their reputation which has undoubtedly been tarnished. I and many others fear that if this appalling lack of equality is not resolved will continue to have a detrimental impact on all victims of terrorism now and in the future.