

1. Unless and until the iniquitous definition of a ‘victim’ in the Victims and Survivors Order 2006 is repealed the framework for providing an equitable way forward cannot be created. The equivalence in the current definition between victim and victim maker is not just obscene but poisons every route to the future and gives cover to the republican rewrite of history.
2. The immutable starting point in any process must be unequivocal acknowledgement that terrorism - of all shades - was never justified and, therefore, any legacy process must unapologetically close down opportunities to recast the narrative.
3. Whereas tentative steps away from the ill-conceived Stormont House proposals are welcome, clinging to its architecture is foolhardy.
4. Extinguishing hope of criminal prosecution of victim makers is cruel for a victims community which has seen so little justice but had to watch the orchestration of anti-state propaganda through lavishly funded Inquests and Inquiries. Thus, to have the Secretary of State say “The Government is committed to the rule of law **but ...**” and cases with no likelihood for prosecution at that point would be “closed and no further investigations or prosecutions would be possible”, is to extinguish the hope that families cling to. Isn’t this amnesty by another name? Why should the Provos obtain what was never afforded to the Nazis? New scientific procedures have unlocked cold cases in the past. So, why close the door to the future?
5. What are called “family reports” have a poor satisfaction rating. The Secretary of State’s statement seems to suggest retention of much of the Stormont House proposals on information recovery. We fear the Independent Commission on Information Retrieval (ICIR) is a useless, if not a dangerous, creation. This is illustrated by the fact that i) it must keep secret the name of anyone giving it information and the name of anyone named as a murderer; ii) any information provided cannot be used in any legal proceedings, including the prosecution of anyone named as liable for criminal acts; iii) there is no mechanism or means to test the veracity of the information provided and iv) that at the end of its work all information gathered by the ICIR must be destroyed. So, sadly, what the ICIR offers the innocent victim of the IRA, for example, is a version of ‘Provo truth’ which is just as likely to seek to justify the murder, as part of their programme of rewriting history, as reveal the truth.
6. Similarly, the Oral History Archive is wide open for abuse by the victim-makers. With a labyrinth of organisations sympathetic to their cause it would be naive to think the opportunities to rewrite history will not be fully exploited by terrorist sympathisers compiling and submitting their spin and accounts to the archive. The powers to restrict such are weak with no statutory bar on material supporting or justifying terrorism.
7. So, while HMG is moving away from some of the Stormont House approach, a boast of remaining “true to the principles of the Stormont House Agreement” is not confidence building.

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