

# Just News

Human Rights in Northern Ireland

As the Eames / Bradley consultation continues CAJ remains aware of the significance of the "Dealing with the Past" issue. In this context, this Special Issue of Just News is intended to bring to the forefront of consideration a number of inter-related past-focused concerns that are often overlooked or underappreciated. We stress the importance of a holistic approach to any past-focused inquiry, and a genuine willingness to draw on the experiences of other jurisdictions and international good practice. We also want to highlight the emerging "hard" international law on issues such as amnesty and reparations, and urge that any process looking at the past takes due account of their importance.

## Gender and Truth

**As we look at the past in Northern Ireland, some time should be taken to think about the gender piece of the story. A truth process here has a unique opportunity to avoid the pitfalls of truth processes in other countries, many of whom have utterly failed to account for the unique experiences of women during periods of conflict.**

Through my own academic research examining the experiences of women before Truth Commissions a number of clear patterns emerge. First, women often do not participate in truth telling processes. In places as far apart as South Africa and Chile the most glaring gender story is absence — women's stories are not heard because they are not there. Reasons for this vary, and include the care responsibilities that women shoulder, the stigma attached to speaking of the past particularly where sexual degradation or violation may have occurred and the lack of emphasis in truth processes on examining the issues that women feel may be the most important to them. Any truth process in Northern Ireland has to think imaginatively about how to ensure that women are brought into the process from its very inception.

The second pattern is that when women testify before truth processes they most often speak to the experiences of others and not to the harms that they have encountered. Women talk about what happened to their husbands, children and partners. They often fail (or are not asked) what happened to them. Linked to this is the lack of capacity for truth processes to fully psychologically and emotionally support the experiences of women. Often those who want to hear the truth, fail to recognise that its articulation can cause secondary harms to victims, and that without counselling and support a greater harm may be done by speech than remedy provided. It is absolutely pivotal for truth processes to understand that the experiences of women during a conflict are organically linked to their social and cultural status before, during and

after a conflict. To understand why women were harmed in particular ways we need to take account of a broader history specific to women in Northern Ireland. It matters what educational, health and reproductive liberties were available to women before and during a conflict, if we are to fully understand why and how a conflict affected them in particular ways.

The bottom line is that across truth processes gender accounting gets a limited or "raw" deal. The nature, form and legal accounting for certain forms of violence in transitional societies has been deeply gendered. Should Northern Ireland engage in a formal truth telling process, it should do so in a manner that seeks to engage fully with the experiences of women, and that planning should start from now. Adding women in at the last minute is not good enough.

*Fionnuala Ni Aoláin*

*University of Ulster, Transitional Justice Institute*

### Contents

Gender and Truth	1
Amnesty as a Tool for Seeking the Truth about Northern Ireland's Past	2
"Bottom-up" Approaches to Dealing with the Past in Northern Ireland	3
Unionists Attitudes to Dealing with the Past in Northern Ireland	4
Post Apartheid South Africa and the Truth and Reconciliation Commission (TRC): Socio-economic reflections	5
Making Peace with the Past - further discussions	6
Reparations	7
Civil Liberties Diary	8

# Amnesty as a Tool for Seeking the Truth about Northern Ireland's Past?

**In recent weeks, a storm has raged over whether amnesty can be granted to those who committed violent acts during the conflict in Northern Ireland.** The debate in Northern Ireland is not unusual as amnesty laws have often been used in the aftermath of violence to address an array of different types of unlawful behaviour. In a database constructed by Mallinder over 506 amnesties are documented since the Second World War. The impact that these laws can have in transitional states is of course dependent upon the nature of the amnesty law itself, particularly what types of crimes it covers, and also whether it co-exists with other measures to address the rights of victims to truth and reparations.

A well-known example of where such an amnesty played a role is the transition to democracy in South Africa. In that context, the Amnesty Committee of the Truth and Reconciliation Commission had the power to grant amnesty to individual applicants who fulfilled specific criteria relating to the application process and the political nature of their crimes. Although this process has not been exactly replicated elsewhere, it has been influential on truth commissions in Liberia, DRC, Indonesia (both the national commission and the commission for Aceh) and Timor-Leste, where commissions are mandated to grant or recommend amnesty. Furthermore, the relationship between amnesty and truth-recovery has been a key feature of recent debates in Nepal and Burundi.

In addition, the question of amnesty is not novel to Northern Ireland. Indeed, our current First Minister, Ian Paisley, benefited from an amnesty introduced by the Stormont government in 1969. More recently, amnesty was provided in the Decommissioning Act 1997 which provided that criminal proceedings would not be pursued for a range of offences committed in relation to the decommissioning scheme.

The Early Release Scheme, introduced in the Northern Ireland (Sentences) Act 1998 provided for the release from prison over a two-year period of prisoners who belonged to paramilitary organisations that were on ceasefire. Strictly speaking, this was not an amnesty as it applied to individuals who had already been convicted. Whatever the legal niceties, the fact that all qualifying prisoners (many of whom were convicted of the most serious of crimes) were released early as a result of the Agreement was regarded by many victims as a form of amnesty which greatly benefited those prisoners.

We also note that immunity from prosecution was exchanged for truth under legislation which aimed to gain information on whereabouts of individuals who disappeared during the Troubles. Northern Ireland (Location of Victims' Remains) Act 1999.

In the Bloody Sunday Inquiry any evidence given by a witness in the Inquiry could not be used against them (although it could be used to prosecute others). Finally, the issue of amnesty has been raised in relation to the so-called On-The-Runs (OTRs), individuals against whom there are outstanding arrest warrants, and in some cases, extradition proceedings. If it was decided by the Consultative Group on the Past that amnesty could provide a useful tool for truth-recovery in Northern Ireland, we would suggest that it should adhere to a number of criteria drawn from the experience of amnesties in other jurisdictions:

- The amnesty process should be applicable to eligible applicants from **all armed groupings**. If some parties are excluded, the truth recovered will only be partial.
- Amnesty should be **individual**, rather than applying automatically to members of particular organisations. Individuals should have to apply and fulfil conditions, including admitting their actions. It should be possible to revoke the amnesty in cases of individual recidivism.
- Amnesty should be restricted to crimes directly related to **political objectives**, rather than including 'ordinary' crimes. Thus criteria would have to be devised to include only those convicted of 'scheduled offences' under the Emergency legislation, or against whom scheduled offences would be laid if the truth were forthcoming.
- A **deadline** for individual applications must be imposed to encourage former combatants to come forward and engage with the process.
- The institution deciding on individual applications must be **independent**.
- Central to the success of the process would be the efforts to maximise **truth recovery for victims**. For example, amnesty hearings should be preceded by officials working closely with victims to illicit their needs, processes should be devised to facilitate victim participation during the amnesty hearings, and the results of the hearings should be communicated in a sensitive and timely fashion to the victims.

Clearly, there are many factors that are unique to the Northern Irish context which will influence the willingness of former combatants to testify about their actions. However, if an amnesty could be part of providing victims' with the answers they seek, and if such a process can be designed and delivered in such a way as to be compatible with international law, then it is surely timely that we have the debate at least.

*Louise Mallinder and Kieran Mc Evoy  
Queens University*

*Views expressed are personal to the authors.*

# "Bottom Up" Approaches to Dealing with the Past

**The current Eames\Bradley consultation has given a particular focus to dealing with the past in and about Northern Ireland. However, the reality is that local communities, civil society groups and others have long engaged in "bottom-up" truth-recovery initiatives. Indeed, it is precisely the absence of credible 'top down' processes that have energised these various grass-roots activities.**

## Community Inquiries

Community Inquiries have long been a feature of the conflict. Often, this involved bringing in outside British or international legal experts to chair proceedings at which local people, witnesses and others gave evidence, which would then be written up into a report and used as a basis for further campaigning. For example, in 1971 an inquiry (chaired by British lawyer Lord Gifford and Albie Sachs (later South African Supreme Court judge) examined the circumstances surrounding the deaths of Seamus Cusack and George Beattie in Derry – both killed by the army. Another community-led inquiry (chaired by Micheal Mansfield QC) investigated the killing of Fergal Caraher, an unarmed IRA member shot dead by the Army in 1990. A similar initiative was instigated into apparent collusion in the Loyalist murder of Patrick Shanaghan, and indeed was mentioned in the subsequent Article 2 judgement by the ECHR into his death.

These community-led hearings share a number of traits. First, they emerged where there was a lack of confidence in the willingness or capacity of the criminal justice system to deliver truth or accountability. Second, while they adopted aspects of legal formalism in terms of their operational procedures, and normally included prominent human rights lawyers, they had no

legal powers. Third, the authorities concerned have generally not cooperated with such inquiries, even though, as in the Shanaghan case, they may be referred to in subsequent legal proceedings. Finally, they provided a platform for further campaigning and mobilisation.

## Bottom-Up Awareness Raising

There are also a number of initiatives which might be described as having contributed to raising the truth-recovery debate in Northern Ireland. Most prominently is probably the Healing Through Remembering group which has for a number of years brought together very diverse individuals and groups on past related matters. In addition, there have been very influential initiatives within the republican and loyalist constituencies in particular. Within republican communities, in 2003 the grassroots network Eolas produced a substantial document which draws upon relevant international experience of truth recovery and sets out a series of principles and values to guide any process of truth recovery. A similar initiative was established in the loyalist community (predominantly the UVF/RHC and Progressive Unionist sector) which also drew upon the international experiences of truth. It concluded that, unless a clear answer can be provided to the question "what are the benefits for Loyalism", a truth recovery process has little chance of success.

## "Bottom-Up" truth recovery in local communities

Finally, as well as the huge range of storytelling work ongoing within local communities in Northern Ireland, there have also been a number of community-specific efforts at local truth recovery. The best known process is the Ardoyne Commemoration Project (ACP). The ACP was established at the time of the Bloomfield Report and set out to "reclaim the victims' agenda", directly challenging what the organisers saw

as Bloomfield's propagation of a "hierarchy of victims". The project identified 99 members of the Ardoyne community killed as a result of political violence between 1969 and 1998 and went directly to the closest next-of-kin of each victim. Conducting over 300 interviews, with the interviewers, transcribers and other volunteers involved almost all coming from the community itself, ACP produced a 543 page book. A key issue which came across strongly in reading the report is the fact that, for many families, the testimonies reflected the first time they had ever spoken about the traumatic events.

## Conclusion

It would be naive to think that any of these 'bottom up' models could be simply superimposed upon or replicated in other communities affected by the conflict. Any efforts at community-based truth recovery must be built around the particular strengths and needs of the community in question. That said, the patchwork of these initiatives, all of which have privileged the involvement of the victims of violence, speak directly to the need for community ownership and engagement in dealing with the past. They suggest that, with sufficient indigenous community skills, energy and technical and methodological expertise (either from within or outside the local area), such a process is both possible and of considerable potential benefit to communities and victims who have been damaged by the conflict. Whichever of the likely options is ultimately recommended by the Eames Bradley group, such grassroots talents will have to be harnessed if credible and viable mechanism are to deliver.

**Kieran McEvoy**  
**Queens University**  
*Views expressed are personal to the author.*

# Unionists Attitudes to Dealing with the Past in Northern Ireland

As part of my ongoing research on unionism, and truth recovery more generally, I have been writing about, tracking, interviewing and observing 'ordinary' unionist civilians (those not affiliated to state security forces or Loyalist paramilitary groupings) for a considerable period of time. I have discovered that despite perceived and anecdotal evidence of unionist resistance to dealing with the past in Northern Ireland, unionists are not *actively or conceptually* resistant to truth recovery *in some form*. The problem, as ever in Northern Irish politics, is the way in which any model for dealing with the past might be institutionalised. Long accused of fostering, incubating and protecting moral superiority in respect of killings and injuries during the Troubles, unionists, at least in part, still believe in what nationalists and republicans regard as a 'hierarchy of victimhood'. That is, Protestant unionists view the murders of Protestant civilians by republican and indeed Loyalist paramilitaries as the 'slaughter of innocents'. Crucially, the vast majority of unionists make no distinction, as the Provisional IRA and others did, between Protestant civilians and Protestants indigenous to Northern Ireland who served in the state security forces (RUC or UDR/ RIR).

Unionists accept without reservation the immorality and illegality of the murder of Catholic civilians by Loyalist paramilitaries. However, they cannot yet countenance, let alone accept, that Irish republican paramilitaries, or indeed Loyalist paramilitaries, were in any way victims of the conflict. They are to a large extent totally unaware of the nuances of Irish republican counter-narratives of the conflict. Central to this problem has been the recent controversy surrounding the possibility of re-classifying the Northern Ireland conflict as a 'war', which unionists view as an insupportable means of legitimising the activities of extra-legal groups, chiefly the PIRA, although an overwhelming majority also find the idea of validating Loyalist paramilitarism equally repugnant.

Sitting recently in the audience listening to people making public submissions to the Independent Consultative Group on The Past, however, particularly in so-called 'unionist towns', I was struck by the impassioned texture and tone of the discourse. The suggestion that there could be potential amnesty for perpetrators of political violence as an inducement for their participation in any truth recovery

process now completely consumes unionist thought. It has had the regrettable effect of re-entrenching unionist views and encouraging them to retreat to a familiar, voiceless position of widespread distrust and fear. Having gradually emerged from behind their traditional cultural 'wall of silence' in recent years, this mere hint of 'trading' freedom for truth – particularly so early in the process – has solidified feelings of extreme trepidation. In my considerable research experience with them as a group and as individuals, it has always been apparent that unionists are in some way desperate to tell their stories, but are concurrently extremely concerned that in so doing they will be unwittingly co-opted into a process that will 'manufacture' a synthetic, sanitised version of history that they feel would be loaded in favour of Irish nationalists and republicans.

Suffice to say, based on my substantial and ongoing empirical analysis, unionists stress the importance of their own biographies of suffering and the public re-telling of their experiences, which they feel – rightly or wrongly – have been hitherto 'erased' or 'ignored'. The priority for those interested in genuine and meaningful truth recovery must be to build trust in both communities, so that all of those who self-identify as victims of the conflict can be afforded the chance to narrate their stories publicly. At this point, unionists are telling me in the course of my continuing research that they already feel somewhat alienated from the dealing with the past debate. Unfortunately for them, the way in which this translates in the political sphere - both domestically and internationally - is that unionists object to the very idea of truth recovery, and are acting in a characteristically negative and intransigent fashion. That is spurious reasoning, and is a fallacy, but the lack of subtle leadership from the mainstream unionist political parties has failed to successfully repudiate this perception, and unionists themselves have not been effective in conveying the complex nature of their views.

Unionists *can be persuaded* to participate in truth recovery, but they are anxious about the possibility of being written 'out' of history, and are also firmly opposed to forms of moral relativism in which perpetrators of political violence would be afforded equal status with victims. At this very early stage of the process, such an idea remains particularly unpalatable for the majority of unionist civilians. Although unionist participation in dealing with the past might appear highly conditional, it is still nonetheless feasible. That at least provides encouragement for all those in Northern Ireland who are interested in making successful truth recovery and reconciliation a political reality.

**Dr. Kirk Simpson,**  
*Transitional Justice Institute, University of Ulster*

# Post Apartheid South Africa and the Truth and Reconciliation Commission (TRC): Socio-economic reflections

In 1994, democracy finally dawned on South Africa after an almost half a century old system of socially engineered repression, discrimination and exploitation. Although democracy brought with it new hope for a non-racial future, the reality was that Apartheid had done much to damage the social and economic fabric of South African society. There was a realisation and acceptance even during the transition negotiations that the past needed to be dealt with if democracy was to succeed. Thus the new constitution made provision for the establishment of a Truth and Reconciliation Commission (TRC) as a way in which past injustices could be addressed.

The TRC was lauded as a major success and was credited with the fact that much of the doom predicted especially by the international community, had failed to materialize. When the TRC submitted its final report to the president in 1998, an intensive programme of socio-economic reconstruction aimed at addressing past imbalances, had been well underway. Under apartheid, South Africa had a capitalist economy whose basic aim was to meet the needs of a white minority. The black majority were prevented from playing any meaningful role in the mainstream economy, apart from providing cheap labour. This economic marginalization and exploitation led to large scale unemployment and poverty. Thus, the new democratic government was determined to redress past imbalance and ensure that economic justice prevails.

## Redressing the Imbalance

This was done through what was known as the Reconstruction and Development Plan (RDP) which was replaced two years later by the Growth, Employment and Redistribution (GEAR) plan. There was massive investment in development infrastructure and other pro-poor programmes. Affirmative action laws were passed and Black Economic Empowerment (BEE) charters were drawn up in a number of fields in an effort to achieve redress. It needs to be conceded that meaningful progress has been made in many areas since 1994. More people have access to running water, housing and electricity than ever before. Affirmative action has led to the black middle-class becoming larger than the white middle-class. Furthermore, black children have benefited from school nutrition programmes and more schools have been built or repaired.

Yet, the reality is that poverty in post apartheid South Africa is ever increasing. South Africa has an unacceptably

high unemployment rate and is still one of the most, if not the most unequal societies in the world. The vast majority of the unemployed and poor are black. Progress has been made in terms of job creation, yet this falls well short of making an impact on the unemployment crisis or absorbing new entrants into the labour market. While the economic growth rate has increase considerably, this increase has not been accompanied by desirable redistributive policies. This is especially the case when it comes to land distribution. In 2005 the Afrobarometer found that levels of "hard core" lived poverty, or destitution have remained relatively constant since 2000. In a poverty survey in 2005 conducted by the Afrobarometer, African respondents reported an average rate of lived poverty seven and a half times as high as that of whites. Thus it is argued that the benefits conferred by the abolition of apartheid are counterbalanced by continuing economic marginalization of large sectors of the South African population. This is because, more than ten years since the fall of apartheid, the country is still characterized by "a market dominant white minority and a market subordinate black majority".

## Conclusion

In conclusion, it needs to be stated that the issue of economic transformation must be addressed as a matter of urgency. Many breadwinners sacrifice their lives for a freedom struggle and are not there to provide for their families. Many of those who survived cannot engage in meaningful economic activity because of the physical and psychological trauma they suffered. In interviews with children of victims and survivors, it was found that basic needs were the main concern for them and their families. Many of them perceive government of having failed them and their families. Many are disgruntled with amnesty process and the controversy around reparations. They are concerned about being able to get a job, especially since many cannot afford tertiary education.

Some express concern and even anger that if the government does not do more, they will not be able to break the cycle of poverty that beset their families for decades without resorting to illegal activities. South Africa already has one of the highest crime rates in the world, and although it does not explain the high crime rate in South Africa, poverty and unemployment can at the least be regarded as a significant contributory factor. Ultimately, if socio-economic issues are not dealt with, it could have far reaching implications for peace and stability in South Africa.

**Cyril Adonis**  
**Centre for Study of Violence and Reconciliation,**  
**South Africa**

# Making Peace with the Past – Update

**Healing Through Remembering – the independent initiative composed of people from diverse backgrounds and experiences – recognises that there is no one route for society in dealing with the past relating to the conflict in and about Northern Ireland. This led to the organisation establishing five sub-groups, each tasked with exploring the various routes to progress:**

- Truth Recovery and Acknowledgement
- Living Memorial Museum
- Commemoration
- A Day of Reflection and
- Storytelling

The work of the sub groups involves commissioning research, the production of reports, hosting of events and focused debate considering each of these areas.

One of the sub groups, the Truth Recovery and Acknowledgement Group, has been considering the possible methods for truth recovery (including the status quo). The sub group's diverse membership includes people from loyalist, republican, British Army and police backgrounds, as well as people from varying church backgrounds, victims groups, academics and community activists.

In 2006, the Sub Group produced a number of reports: a discussion paper *"Acknowledgement and its role in preventing future violence"*; a legal opinion *"The viability of prosecution based on historical enquiry"*; and *"Making Peace with the Past: options for truth recovery regarding the conflict in and about Northern Ireland"*. This last report was researched and written by Kieran McEvoy, a member of the Sub Group. It includes options for truth recovery developed by the Sub Group over a number of residential meetings. These five options are based on extensive research into a broad range of international experience and the local context. These were –

Option One – **Draw a line under the past**

Option Two - **Internal organisational investigations**

Option Three – **Community Based 'Bottom-Up' Truth Recovery**

Option Four – **Truth Recovery Commission**

Option Five – **Commission of Historical Clarification**

The aim of the report was to provide sufficient detail and context to help focus the debate concerning truth recovery

regarding the conflict in and about Northern Ireland on realistic options for the future.

Since the launch of the reports the Sub Group has been active in taking that debate forward. Between December 2006 and May 2007 thirteen open public Roadshows were held across Northern Ireland and in Dublin and London. At each event, Sub-Group members made a short presentation covering the work of the Sub Group, the development of the report, the five options for truth recovery and the concept of "political generosity". After the presentation the audience were invited to ask questions and to engage in a debate on the issues raised.

The Sub Group also held a number of partnership seminars with a similar format to the roadshows but as private internal discussions within organisations or groupings.

The themes from all of the discussions were noted and reported to the Sub Group. There were some recurring general questions. "These included: What is truth?" "Is the truth not too ugly, too dangerous to be told?" "Who would facilitate any process?" "How do we deal with intra-community violence?" "How do we deal with the Blame Game?" "Who would fund a process?" "Who would pay for restitutions and reparations?"

The responses to the options reflected many of the pros and cons which the report itself describes in detail. These included: "If we are to "draw a line", "who decides where the line is?" "Truth recovery is already happening, based on inquiries, investigations, media reports and books – a more co-ordinated approach is needed." "There is not sufficient trust for an internal investigation process." "Community-based processes will compete with different versions of the past." "How do you avoid a truth commission involving heavy legal process and heavy legal costs?" "Historical clarification might help education but it would not meet the needs of victims."

"Starting is where the problem is!" said one roadshow participant. The Healing Through Remembering Sub Group has made a start. In the production – by a diverse range of individuals – of the Making Peace with the Past Report it has demonstrated that this contentious issue can be addressed by people from different backgrounds with very different views on the issue. The open roadshows and partnership seminars have enabled the Sub Group to share their experience in considering these issues and to expand the debate and discussion. The Sub Group continues to privately and publicly discuss and debate the issues raised in the report and the roadshows to further inform the growing debate on this difficult issue.

**Cate Turner**  
**Healing Through Remembering**

# Reparations

**Reparations programs are, at last, widely conceived to be a part of a comprehensive transitional justice policy. This development, firmly grounded both in firmly recognized international law, and by now, in actual practice, is nevertheless, still in flux, in the sense that there are significant differences between the approaches taken by different countries. That means that although some trends can be identified, there remains room not just for context-sensitive implementation, but for improvements in the practice.**

Arguably, two of the goals that reparations program seek are to provide recognition to victims and to promote civic trust. A well crafted reparations program should provide a measure of recognition to victims both in their status of victims, and, most importantly, as rights-bearers. Through the provision of benefits to individuals and groups that were the object of systematic marginalization and abuse a state sends the message that it takes seriously the violations that victims suffered and that in virtue of these violations, it is willing to invest resources of various kinds to reaffirm the importance of the norms that establish those rights.

Thinking about reparations in terms of the achievement of these two goals has an important practical implications. First, the design and the implementation of reparations programs must count with the participation of victims. To the extent that recognition is not simply something that is bestowed, and that trust does not consist in mere predictability, but in some form of mutual commitment to certain norms, programs that seek to attain this goal must be designed and implemented with the participation of their intended beneficiaries.

The same presumption that grounds the participation of victims determines the role of considerations of harms and needs in the articulation of reparations programs. While the judicial resolution of individual cases take as their fundamental aim restoring victims to their status quo ante, in cases where programs face a significantly large universe of victims, the aims shift in favor of the two goals just mentioned. This does not mean, however, that reparations programs are indifferent to needs and harms. Needs and harms, while not justifying the provision of benefits—for a rights-based approach to reparations take the violations of rights to be sufficient justification for establishing such programs—they do guide the design of the package of benefits to be provided by the program.

This, in turn, also has practical implications, and explains some of the recent trends in reparations. Reparations programs have, over time, become more "complex," that is, they provide an increasingly varied package of benefits. So, from purely compensatory schemes that distributed monetary benefits alone, reparations programs have become much more sophisticated measures which in addition to compensation provide other material and symbolic benefits. These include, for example, educational and health-related services, as well as other symbolic measures intended to reaffirm the acknowledgment of responsibility—which is ultimately what distinguishes reparations programs from, say, crime insurance schemes.

Experience has shown that victims are more likely to understand reparations benefits as *justice measures* not only if the benefits are more complex, but also if they are linked with other justice initiatives different from reparations. That is to say, we have come to understand the need to establish reparations programs that are "externally coherent," that have significant links with other justice initiatives such as

criminal prosecutions, truth-telling exercises, and institutional reforms. Reparations programs that stand alone, that function in isolation from other justice initiatives are more prone to being interpreted as efforts on the part of government to "buy" the silence or acquiescence of victims. By contrast, when they are seen as part of a multi-pronged policy to recognize victims and to reaffirm the currency of a regime of rights whose violation carries consequences, it is more likely that victims and others will perceive them as efforts to achieve justice.

There are two further developments that would be an exaggeration to call trends, but that are definitely a focus of interest for those who worry about reparations: first, there is the question of "collective reparations". Violence often targets members of certain groups, and difficult questions arise concerning whether it is sufficient to provide reparations to the members of those groups individually, or whether the groups, as groups, also deserve benefits of some kind.

Second, there is increasing interest in finding innovative forms of financing reparations programs. Although nothing gives more stability to a reparations program than receiving predictable financing from a national budget, those budgets are themselves often strained to their limits. Furthermore, it is often the case that there are various actors—including third parties with different degrees of proximity to the state, who were also at least partially responsible for the violations. So, if carrying the costs of a reparations program is itself a manifestation of responsibility, it is fair to have these actors carry parts of the costs. How to achieve this aim is one more problem high in the list of those thinking about ways of increasing the viability and the effectiveness of reparations programs.

**Pablo de Greiff**  
*International Centre for Transitional Justice*

## Civil Liberties Diary

### 4<sup>th</sup> January

Following a lengthy private meeting of the Policing Board its members decide to set up an independent external investigation to review the police investigation into the Omagh bombing.

Church of Ireland magazine condemns the Bill of Rights for Northern Ireland project as a threat to democracy and a tool to draw the Northern Ireland agenda towards the idea of all-island constitution.

### 6<sup>th</sup> January

It is announced that MI5 will have a key role in the decision whether or not to grant anonymity to 14 Northern Ireland police officers implicated in a shoot to kill probe. Teresa Jordan condemned the news speaking at the inquest into the death of Pearse Jordan who was shot by an undercover RUC unit in 1992.

### 9<sup>th</sup> January

Stormont Assembly Committee releases figures which show that up to 100,000 children are living in poverty in Northern Ireland. The report from the Committee of OFMDFM showed that almost half of these children lived in extreme poverty.

PSNI warn MLAs that they may reach a "tipping point" over the resources they can allocate for looking into murders from the Troubles.

### 10<sup>th</sup> January

Terence McCoy becomes the first man in Northern Ireland to win compensation in an age discrimination case. He was unlawfully denied a job at an east Belfast timber merchants.

### 11<sup>th</sup> January

PSNI Assistant Chief Constable Roy Toner announces that officers from the specialist operations unit would begin training with Tasers. Last month Hugh Orde announced the introduction of the 50,000 volt Taser despite opposition from the Policing Board.

### 15<sup>th</sup> January

PSNI are criticised after a slow response to a paramilitary-type justice

display on the Shankill Road. Two young men were forced to walk along the road the previous Friday for more than an hour holding placards declaring themselves to be thieves and burglars.

### 17<sup>th</sup> January

One of the two key police witnesses criticised for the evidence they gave during the Omagh bomb trial has been moved from their posts. The Police Ombudsman is investigating the conduct of scenes of crime officer Fiona Cooper and Detective Inspector Philip Marshall after they admitted to changing their evidence on how evidence was gathered.

### 19<sup>th</sup> January

The Gingerbread charity calls for up to 30,000 new childcare places as Northern Ireland has the worst childcare provision in Western Europe. Lone parents are struggling with poverty are unable to take a job because of shortages in childcare facilities.

### 21<sup>st</sup> January

The Public Inquiry into the murder of LVF leader Billy Wright publicly discloses reasons why they are not satisfied with documents provided by the PSNI. Hearings have been suspended since September and this delay has been largely blamed on the Police who have failed to produce any material additional documents.

### 22<sup>nd</sup> January

A laptop computer containing confidential information has been stolen from the London offices of a barrister involved in the public inquiry into the murder of Billy Wright.

Nationalist and Unionist politicians demand an investigation into why a Real IRA bomb trial collapsed amid claims that an alleged security force agent was being protected from prosecution. The trial ended at Belfast Crown Court when the PPS withdrew all charges.

### 24<sup>th</sup> January

Former Northern Ireland police Chief

Sir Ronnie Flanagan apologises to the families of the Omagh bomb victims for his force's handling of the case. However he refused to consider his current position as Chief Inspector of HM Constabularies.

### 28<sup>th</sup> January

The Royal College of Midwives are threatening to stop performing emergency abortions because of fears they are vulnerable to criminal prosecution. The organisation which represents midwives in Northern Ireland spoke out after the assembly rejected proposed guidelines on terminations at the end of last year, leaving no legal frameworks to support the procedure. This also means that health workers opposed to abortion have no legal right to object.

### 30<sup>th</sup> January

The Historical Enquiries Team confirms that it is to re-examine the case of the UDR Four and the murder of Adrian Carroll. He was shot outside his Armagh home in 1983.

### 31<sup>st</sup> January

House of Lords unanimously agree that Peter Hain's decision to appoint leading Orangeman David Burrows to the Parades Commission was illegal. The appointment in 2005 had been "improper" and "unlawful".

*Compiled by Mark Bassett from various newspapers*



*Just News welcomes readers' news, views and comments.*

*Just News is published by the Committee on the Administration of Justice Ltd.*

*Correspondence should be addressed to the Editor, Fionnuala Ni Aoláin, CAJ Ltd.*

*45/47 Donegall Street, Belfast BT1 2BR*

*Phone (028) 9096 1122*

*Fax: (028) 9024 6706*

*The views expressed in Just News are not necessarily those of CAJ.*

