



Northern  
Ireland  
Office

**Secretary of State  
for Northern Ireland**  
1 Horse Guards Road  
London  
SW1 2HQ

Stormont House  
Belfast  
BT4 3SH

E [sos.lewis@nio.gov.uk](mailto:sos.lewis@nio.gov.uk)  
[www.gov.uk/nio](http://www.gov.uk/nio)  
[@NIOgov](https://twitter.com/NIOgov)

Mr Alex Maskey MLA  
Speaker of the NI Assembly  
*Sent via email: [speakersoffice@niassembly.gov.uk](mailto:speakersoffice@niassembly.gov.uk)*

Our Ref: MC/21/353

15 September 2021

Dear Alex,

Thank you for your letter of 21 July to the Prime Minister on behalf of the Northern Ireland Assembly regarding the Members' debate on the UK Government proposals on Legacy. The Prime Minister has asked that I reply on his behalf.

We acknowledge the efforts of Assembly members to give due consideration to the proposals during a recalled Assembly session, and note the comments and issues raised in the debate and the motion resolved by members.

The UK Government is clear in its position that the current system for addressing the past is not working well for anybody, most importantly victims and survivors. It is delivering neither justice nor information to the vast majority of families, while ensuring that society in Northern Ireland continues to be hamstrung by the past. The UK Government is absolutely committed to addressing legacy issues comprehensively and fairly, and in a way that supports information recovery and reconciliation, complies fully with international human rights obligations, and that responds to the needs of both veterans and victims and survivors equally.

As announced following the British and Irish Intergovernmental Conference on 24 June, the UK and Irish Governments have undertaken a process of intensive engagement with the Northern Ireland parties and others, including the victims sector, with a view to making progress on legacy issues as soon as possible. It was right that, as part of this process, the UK Government clearly and formally set out what it believes is the right way forward.

I acknowledge that these proposals will be difficult for many. But the UK Government is clear that there is an urgent problem that needs to be solved.

The Government will continue to reflect on all feedback received from across Northern Ireland, and to work collaboratively with all parties to find a way forward on this vital issue.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Brandon Lewis', written in a cursive style.

**THE RT HON BRANDON LEWIS CBE MP  
SECRETARY OF STATE FOR NORTHERN IRELAND**

## An Ceann Comhairle

Seomra 39  
Foirgnimh na Parlaiminte  
Baile Lios na Scáth  
Cnoc an Anfa  
Béal Feirste, BT4 3XX

Guthán: +44 (0) 28 9052 1130  
r-phost: [speakersoffice@niassembly.gov.uk](mailto:speakersoffice@niassembly.gov.uk)



## The Speaker

Room 39  
Parliament Buildings  
Ballymiscaw  
Stormont  
Belfast, BT4 3XX

Tel: +44 (0) 28 9052 1130  
email: [speakersoffice@niassembly.gov.uk](mailto:speakersoffice@niassembly.gov.uk)

**The Rt Hon Boris Johnston MP  
The Prime Minister  
10 Downing Street  
London  
SW1A 2AA**

**21 July 2021**

**Dear Prime Minister,**

The Assembly was recalled on 20 July 2021 when Members debated a Motion in relation to the British Government Proposal for a Troubles Amnesty. The question was put and agreed to. It was resolved:

“That this Assembly believes that victims and survivors should have a full, material and central role and input into the content and design of structures to address the legacy of the past; rejects the proposals contained in the British Government’s Command Paper 498 ‘Addressing the Legacy of Northern Ireland’s Past’ for a statute of limitations in relation to criminal investigations and prosecutions and its further proposals in relation to ‘current and future civil cases and inquests’; further believes that these proposals do not serve the interests, wishes or needs of victims and survivors nor the requirements of truth, justice, accountability, acknowledgement and reconciliation; recalls the approach to dealing with the legacy of the past agreed at Stormont House which also forms the basis of an international treaty between the UK and Irish Governments; calls on the British Government to withdraw its Command Paper 498; further calls for a commitment by all parties and the British and Irish Governments to truth, justice, acknowledgement, accountability and reconciliation as essential to address the requirements of victims and to demonstrate how these requirements will be addressed in legacy arrangements; and calls for this Assembly to renew its commitment to address the legacy of the past, fulfil the requirements of truth, justice, acknowledgement, accountability and reconciliation and to oppose the British Government introducing legislation to impose its proposals.”

I attach a copy of the Official Report for your attention.

Yours sincerely,

**ALEX MASKEY MLA**



# Official Report (Hansard)

Tuesday 20 July 2021  
Volume 141, No 7

# Contents

## Assembly Business

Committee Chairperson and Deputy Chairperson Appointments ..... 1

## Private Members' Business

British Government Proposal for Troubles Amnesty ..... 1

## Adjournment

# Assembly Members

Aiken, Steve (South Antrim)  
Allen, Andy (East Belfast)  
Allister, Jim (North Antrim)  
Anderson, Ms Martina (Foyle)  
Archibald, Dr Caoimhe (East Londonderry)  
Armstrong, Ms Kellie (Strangford)  
Bailey, Ms Clare (South Belfast)  
Barton, Mrs Rosemary (Fermanagh and South Tyrone)  
Beattie, Doug (Upper Bann)  
Beggs, Roy (East Antrim)  
Blair, John (South Antrim)  
Boylan, Cathal (Newry and Armagh)  
Bradley, Maurice (East Londonderry)  
Bradley, Ms Paula (North Belfast)  
Bradley, Ms Sinéad (South Down)  
Bradshaw, Ms Paula (South Belfast)  
Brogan, Ms Nicola (West Tyrone)  
Buchanan, Keith (Mid Ulster)  
Buchanan, Thomas (West Tyrone)  
Buckley, Jonathan (Upper Bann)  
Bunting, Ms Joanne (East Belfast)  
Butler, Robbie (Lagan Valley)  
Cameron, Mrs Pam (South Antrim)  
Carroll, Gerry (West Belfast)  
Catney, Pat (Lagan Valley)  
Chambers, Alan (North Down)  
Clarke, Trevor (South Antrim)  
Dickson, Stewart (East Antrim)  
Dillon, Ms Linda (Mid Ulster)  
Dodds, Mrs Diane (Upper Bann)  
Dolan, Ms Jemma (Fermanagh and South Tyrone)  
Dunne, Stephen (North Down)  
Durkan, Mark (Foyle)  
Easton, Alex (North Down)  
Ennis, Ms Sinéad (South Down)  
Flynn, Ms Órlaithí (West Belfast)  
Foster, Mrs Arlene (Fermanagh and South Tyrone)  
Frew, Paul (North Antrim)  
Gildernew, Colm (Fermanagh and South Tyrone)  
Givan, Paul (Lagan Valley)  
Hargey, Ms Deirdre (South Belfast)  
Harvey, Harry (Strangford)  
Hilditch, David (East Antrim)  
Humphrey, William (North Belfast)  
Hunter, Ms Cara (East Londonderry)  
Irwin, William (Newry and Armagh)  
Kearney, Declan (South Antrim)  
Kelly, Mrs Dolores (Upper Bann)  
Kelly, Gerry (North Belfast)  
Kimmins, Ms Liz (Newry and Armagh)  
Long, Mrs Naomi (East Belfast)  
Lunn, Trevor (Lagan Valley)  
Lyons, Gordon (East Antrim)  
Lyttle, Chris (East Belfast)  
McAleer, Declan (West Tyrone)  
McCann, Fra (West Belfast)  
McCrossan, Daniel (West Tyrone)  
McGlone, Patsy (Mid Ulster)  
McGrath, Colin (South Down)  
McGuigan, Philip (North Antrim)  
McHugh, Maolíosá (West Tyrone)  
McIlveen, Miss Michelle (Strangford)  
McLaughlin, Ms Sinead (Foyle)  
McNulty, Justin (Newry and Armagh)  
Mallon, Ms Nichola (North Belfast)  
Maskey, Alex (Speaker)  
Middleton, Gary (Foyle)  
Muir, Andrew (North Down)  
Mullan, Ms Karen (Foyle)  
Murphy, Ms Aine (Fermanagh and South Tyrone)  
Murphy, Conor (Newry and Armagh)  
Nesbitt, Mike (Strangford)  
Newton, Robin (East Belfast)  
Ní Chuilín, Ms Carál (North Belfast)  
O'Dowd, John (Upper Bann)  
O'Neill, Mrs Michelle (Mid Ulster)  
O'Toole, Matthew (South Belfast)  
Poots, Edwin (Lagan Valley)  
Robinson, George (East Londonderry)  
Rogan, Ms Emma (South Down)  
Sheehan, Pat (West Belfast)  
Sheerin, Ms Emma (Mid Ulster)  
Stalford, Christopher (South Belfast)  
Stewart, John (East Antrim)  
Storey, Mervyn (North Antrim)  
Sugden, Ms Claire (East Londonderry)  
Swann, Robin (North Antrim)  
Weir, Peter (Strangford)  
Wells, Jim (South Down)  
Woods, Miss Rachel (North Down)

# Northern Ireland Assembly

Tuesday 20 July 2021

*The Assembly met at 12.00 noon (Mr Speaker in the Chair).*

*Members observed two minutes' silence.*

## Assembly Business

### Committee Chairperson and Deputy Chairperson Appointments

**Mr Speaker:** I have been notified that, with effect from 6 July, Mrs Pam Cameron has resigned as Chairperson of the Assembly and Executive Review Committee. I have also received notification from the nominating officer for the Democratic Unionist Party that Mrs Cameron has been nominated to fill the vacancy of Deputy Chairperson of the Committee for Health and that Mr Peter Weir has been nominated to fill the vacancy of Chairperson of the Assembly and Executive Review Committee, also with effect from 6 July. I am satisfied that the requirements of Standing Orders have been met.

## Private Members' Business

### British Government Proposal for Troubles Amnesty

**Mr Speaker:** Having been given notice by not fewer than 30 Members, I have summoned the Assembly to meet today for the purpose of debating a motion on the British Government proposals for a Troubles amnesty.

Before I call Ms Nichola Mallon to formally move the motion, I wish to make some brief remarks pertinent to today's debate.

Freedom of speech is important to guaranteeing free and frank consideration of business in the Assembly. In that context, section 50 of the Northern Ireland Act 1998 provides that:

*"(1) For the purposes of the law of defamation, absolute privilege shall attach to—*

*(a) the making of a statement in ... the Assembly;"*

However, "absolute privilege" should not be confused with the parliamentary privilege enjoyed by the Houses of Parliament at Westminster. It is for a Member to decide whether he or she might benefit from the Assembly's privileges for the purposes of the law of defamation, but the statutory privileges of the Assembly go no further; in particular, section 50 offers no protection should a Member be prosecuted for contempt of court. I have a specific duty to prevent any conduct that might constitute a contempt of court. If I think that a Member is straying into that area, I will require that Member to sit down.

Members will be aware of the sensitive nature of today's debate. Members should bear it in mind, therefore, that, when they contribute to the debate, they are speaking not just to their own political base, which is absolutely very

important, but to a much wider audience of people from other parties and different political perspectives, as well as many people who have been bereaved or have suffered as a result of our conflict.

If that is clear, I will call Ms Nichola Mallon to move the motion.

**Ms Mallon:** I beg to move

*That this Assembly believes that victims and survivors should have a full, material and central role and input into the content and design of structures to address the legacy of the past; rejects the proposals contained in the British Government's Command Paper 498 'Addressing the Legacy of Northern Ireland's Past' for a statute of limitations in relation to criminal investigations and prosecutions and its further proposals in relation to "current and future civil cases and inquests"; further believes that these proposals do not serve the interests, wishes or needs of victims and survivors nor the requirements of truth, justice, accountability, acknowledgement and reconciliation; recalls the approach to dealing with the legacy of the past agreed at Stormont House, which also forms the basis of an international treaty between the UK and Irish Governments; calls on the British Government to withdraw their Command Paper 498; further calls for a commitment by all parties and the British and Irish Governments to truth, justice, acknowledgement, accountability and reconciliation as essential to address the requirements of victims and to demonstrate how these requirements will be addressed in legacy arrangements; and calls for this Assembly to renew its commitment to address the legacy of the past, fulfil the requirements of truth, justice, acknowledgement, accountability and reconciliation and to oppose the British Government introducing legislation to impose its proposals.*

**Mr Speaker:** Thank you, Ms Mallon. The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes in which to propose and 10 minutes in which to make a winding-up speech. All other Members who are called to speak will have five minutes.

**Ms Mallon:** Last week, people and parties across Northern Ireland were stunned at the proposals from the British Government, stunned that the way the Government propose to deal with the pain of the past is to sweep it under the carpet, to let the perpetrators, state and paramilitary, walk free and instead condemn the victims and their families to a lifetime of pain

and suffering through the denial of hope, truth and justice. Have they not waited long enough? Have they not suffered enough? It is the victims who have lost: not only the greatest loss of all in losing their loved ones but now the loss of the possibility and hope of truth and access to justice.

Here we are again, recalled as an Assembly, to discuss yet another serious political issue, but I know the belief that it is right and important that we do so is shared across the House and our society. Most importantly, it is the least that we can do for the victims and survivors of our terrible conflict, who are devastated by the proposed amnesty. Legacy is a difficult and sensitive issue. The debate will be difficult, given the pain, hurt and loss that have been endured by people in the House and those whom we represent. However, I appeal to Members to keep in their minds the outpouring of hurt expressed by victims and survivors across our society and the fact that they will look to us today not to engage in mutual recriminations — that does not serve their needs or help them in any way — but to be united in standing with them and in opposition to the amnesty.

In the SDLP, our support for the victims of the conflict and their families has never wavered, from Derry to Ballymurphy through Omagh, Greysteel, Loughinisland and the Shankill Road, from the early stages of the Troubles to the present day. Far too many of our towns and villages have come to be associated with horrendous acts of atrocity, the lasting impact of which is hard to imagine unless directly affected, as so many families have been.

I want to be clear: I did not lose any family members directly in the conflict, and I am so thankful for that.

I do not know what it is to stare at that empty chair day after day, year after year, filled with questions and with little chance of getting answers. However, I know that the chance of an answer and of seeing justice served means everything to the families. Neither Boris Johnson nor Brandon Lewis has the right to scrub that small chance on a Tory-pleasing whim.

Last week, out of the blue and without a single thought of the trauma being heaped on the families of the victims of the conflict here, the British Government told them that they no longer mattered and that they should just be quiet, move on and forget about their search for answers and justice for their husbands, wives, children, parents, uncles, aunts and

grandparents. The proposed ending of prosecutions, inquests and even investigations is not a detailed proposal that has emerged from a painstaking inclusive process involving victims and survivors and the political representatives from the Assembly. It is not a new agreement signed off by the two Governments and guided by international expertise. Instead, it is a unilateral move by the British Government to deliver a Tory Party answer to a problem created by that party and its Back-Bench MPs. Those Back-Benchers have created a bogus myth that an endless parade of veterans are being dragged through the courts here to answer for their past. The fact is that that is not true. Rather than debunk the myth and deal in facts, Boris Johnson and Brandon Lewis have decided to cruelly abandon victims and survivors as they play to their gallery.

Often, when someone is speaking among friends, their guard comes down. That seems to be what happened with Brandon Lewis as he wrote for 'The Daily Telegraph' last week. Among his hypocritical wordplay, he explained that, because the state kept records of what happened in the conflict, the "grim threat" of a possible prosecution hangs over veterans. The grim prospect of prosecution? I say this to Brandon Lewis: truth is not a grim prospect. Accountability is not a grim prospect. Transparency is not a grim prospect. Decency is not a grim prospect, but, regrettably, it is in short supply in Conservative Party headquarters.

The plan from Number 10 to ban investigations and civil cases and to fold the legacy inquest process in order to:

*"draw a line under the troubles and to enable the people of Northern Ireland to move forward"*

has done nothing more than devastate and re-traumatise survivors and the families of victims. It has not drawn a line; it has made the situation worse. Let me say this unequivocally: murder was wrong. The violence was wrong. The suffering left behind by men and women wearing uniforms or balaclavas was wrong. It was always wrong. No one here wants to return to the past. No one wants to relive the destruction of those dark days. However, for the victims and survivors of the Troubles, that is not a choice that they have. Every day they live with the horrific pain of the past, yet the British Government, in doing this, are telling families that their loved one's life did not matter and that their lives — their family's loss — are not worthy enough to be properly investigated in a process

with integrity. It is disgusting. It would not be acceptable in any other modern democracy in the world. It cannot and must not be deemed acceptable here.

The loved ones of those brutally murdered during the conflict are realistic about the chances of prosecution. They know that no one can honestly promise justice to them. However, they are right in the fact that no one morally can or should be allowed to deny them justice or extinguish the hope that they are entitled to have. Martin Luther King reminded us that the arc of the moral universe is long but it bends towards justice. The UK Government are seeking to halt the chance of justice. In their ignorance, arrogance and complete lack of compassion, they are determined to intervene in the arc of the moral universe. We will not stand silently by and allow them to do that.

We have been here before, in 2005. Victims spoke up then and overturned that proposed amnesty. Just as the SDLP stood with them then, we continue to stand with all victims and survivors today and every day.

## 12.15 pm

Victims and survivors also deserve honesty from us and those who sat on these Benches before us. Our peace process is held up as an exemplar across the world, but, when it comes to how we have treated victims and survivors, we are not the model to follow. The failures at different times by parties here and by processes and Governments to comprehensively and sensitively deal with legacy has created the opportunity for the situation to be abused as it is now. My appeal today is for us not only to unite in our opposition to the proposed amnesty for state and paramilitary actors but to have a shared determination to act to properly deal with legacy. The move by the British Government has to be a wake-up call. We should never have needed that wake-up call, but we now need to act before it is too late.

In the recent past, we have come to what are sometimes difficult agreements on how some very sensitive matters should be handled. We got there on policing, parades and the Good Friday Agreement, and we got there on the restoration of devolution just 18 months ago. What was the template for resolving those serious problems and unlocking the political gridlock that too often threatens to stymie progress in the North? It was working hard together with all the parties and the two Governments, sometimes with international guidance and expertise on hand too. There is

nothing easy about politics in this place, but the fact that something is difficult does not mean that it is not worth doing. There is a way forward through the Stormont House Agreement. It is not perfect, and it is not the best agreement, but, after going through so many failures with the other better options, it is the only agreement, and it was reaffirmed in 'New Decade, New Approach' (NDNA). Victims and survivors are alive to its shortcomings, but it has broad support. It is a starting point, and, by listening to and working with victims' families and survivors, it can and should be improved.

Victims and survivors have been let down for far too long. We will not be able to move forward by leaving them behind. As a society, we should be ashamed that, to date, we have done just that. Again, I appeal to all Members: let us stand with all victims and survivors against the amnesty, and, as we unite in our opposition, let us give a commitment based on a shared determination to finally, properly and justly deal with our past.

**Mr Storey:** We in the House must be sensitive and mindful today of the many thousands of people in Northern Ireland and further afield who feel betrayed and let down by the actions of Her Majesty's Government. While we have concerns about some of the wording in the motion and would have supported the Ulster Unionist Party's amendment, which was not accepted, we do not want any message to come from the House today other than that victims cannot and should not be ignored in this way.

A phrase that has often been used in our troubled past is "perverting the course of justice". Sadly, the recent announcement by the Government is the ultimate manifestation of just that. However, not for the first time, Westminster Governments, aided by willing accomplices in the Chamber today, have removed some of the basic elements of a society that believes in doing what is right and not just what is politically expedient. The road to the Government's latest announcements is littered with numerous acts of perverting the course of justice, actions that were designed to protect the victim maker rather than deliver justice to those who suffered at the hands of terrorists. There was the release of prisoners in 1998 and a guarantee that anyone convicted in future would serve only two years in jail. There was legislation to ensure that illegal guns that were decommissioned could not be tested ballistically, meaning that those who used those guns in their murderous campaign against the innocent could not be brought to justice for their crimes. There were letters of comfort and royal

pardons. All that was done not to bring justice to the victims of terrorism but to shield and protect the victim makers.

The Government's position paper claims:

*"the criminal justice approach is in stark contrast to the wider aims envisaged in the Belfast/ Good Friday Agreement ... of promoting societal reconciliation through acknowledgement, recognition of different narratives and information recovery".*

For the Belfast Agreement's provisions to be now cited as justification for this acceleration in the denial of justice for innocent victims is a sad reflection on those who signed up to the agreement. My party opposed that agreement and, likewise, rejects these plans.

The real test of any fresh approach to legacy is ensuring that the focus of investigations is balanced and proportionate, given that the majority of murders were carried out by paramilitary terrorist organisations. The Secretary of State, rather than finding an answer to that difficult and sensitive question, seems to have chosen a path that finds equivalence between the soldier and the police officer and those who planted the bomb or pulled the trigger. That is morally reprehensible. Nobody denies that the passage of time presents prosecutorial difficulties, but the answer is not to arbitrarily close down legal routes for innocent victims. That holds implications for the integrity and the foundations of the criminal justice system not just in Northern Ireland but across the United Kingdom. Surely, yesterday's revelations about the murder of Tom Oliver are a reminder that they are tentatively close to bringing to justice those who carried out that heinous crime.

Then we had the recent comments by the deputy First Minister in which she accused the Government of covering up the truth and putting their forces beyond the law while ignoring republicans' blinkered vision of the truth. Sadly, the standard used by the party opposite when it comes to the truth was put on display for all to see when the late Martin McGuinness told the Bloody Sunday inquiry:

*"I cannot answer that question because there is a republican code of honour ... For me to identify who these people are would be a betrayal."*

What of the denial for 40 years of the involvement of the IRA in the abduction and murder of Jean McConville or the murder of

postal worker Frank Kerr? Who in the House knows what about the murder of Robert McCartney? On Thursday, it will be forty-fourth anniversary of the murder of prison officer Thomas Fenton —

**Mr Speaker:** The Member's time is up.

**Mr Storey:** — who was from Cloughmills in my constituency. I passed the place where he was murdered on my way here today. Let his memory not be sullied by these proposals. I trust that they will be given the rejection from the House that they deserve.

**Mrs O'Neill:** I also speak in favour of the motion. We have an opportunity today in the Chamber to send a clear message to the British Government that there can be no amnesty for state forces and that we reject their proposed interference in the legal process.

By any stretch of the imagination, for the British Government to present the proposals as an attempt to promote reconciliation is disingenuous, misleading and, frankly, a lie. The question that we all have to ask ourselves here today is why, at this time, the British Government are bringing forward the proposals. In my mind, it is simple: it is because the British political system cannot handle the truth. The British Government fear the bravery, the courage and the resilience of the families who speak truth to power. Their amnesty proposals are a direct response to all the successes of and effective campaigning by families and their legal teams in securing truth through the courts. This does not just impact on some families, a few families or a section of families; it is an affront to all families. The proposals are about denying them their rights.

I have spent time engaging with families, and all the families whom I have spoken to are not buying what they have heard, and neither is Sinn Féin. The British state has nowhere else to turn, and, rather than facing up to its human rights obligations to victims and the consequences of its dirty war, it is now poised to wreak havoc on the legal system here. The legacy proposals to deny families any legal redress or justice is a statement of moral bankruptcy. The British Government approach is cynical, because they seek to insulate their forces from legal challenges by shutting down the established legal options that are open to families. Today we must send a clear message that any political attempts to interfere in live and pending legal proceedings will be resisted by everyone across the House.

During the talks that led to the Stormont House Agreement in 2014, all parties and the Irish and British Governments registered their opposition to the introduction of any form of amnesty; indeed, Sinn Féin made that clear in our response to the consultation. Over 17,000 people responded to that consultation, and, in its aftermath, in the British Government's analysis of the responses to the consultation, they made it clear that a majority of the respondents were opposed to an amnesty. Yet here we are in that very scenario.

We must ask this: is it right for a central party to the conflict to unilaterally seek to place its forces beyond the reach of the law? We must further interrogate their true motivation. The families I have spoken to have no sense that the British intent is to facilitate reconciliation or to make their lives better. The proposals go way beyond an amnesty for British soldiers and into political interference in due legal process with the halting of legacy inquests, judicial reviews, civil cases and prosecutions involving British soldiers that are already before the courts. They place the British Government to the right of Pinochet's military dictatorship in Chile.

The proposals are about more than providing legal protection for those who wore uniforms; they are actually about protecting those who wore suits. They are about protecting those in the upper echelons of the British political, military and intelligence world who designed, facilitated and covered up the policy and practice of British state terrorism, which involved state killings and torture practices in the interrogation centres, and presided over weapons importation and the administrative practices of collusion. Ultimately, the proposals are designed to insulate and protect British politicians at the highest level of government: people like Thatcher, who oversaw a policy of systemic state violence against Irish people, a campaign of state-sponsored murder and cover-ups that was manifested on the streets of Derry, Ballymurphy, Springhill and the New Lodge. It was a policy of collusion that armed and directed loyalist paramilitaries, resulting in the deaths of hundreds of Irish citizens, including many in my constituency. At their core, the proposals are designed to protect the British state and to conceal its role in the conflict in Ireland.

I listened to Brandon Lewis, and I could draw no conclusion other than that the British Government not only do not listen but do not want to listen and do not care what victims and families think. Frankly, it is an insult to our collective intelligence to dress up the proposals as assisting reconciliation. The amnesty

proposals are the antithesis of reconciliation. As parties, despite all our different standpoints, we must make common cause and oppose, object to and challenge the proposals at every turn.

**Mr Beattie:** I thank the Minister for moving the motion. It is an important debate, and it is right to have a recall for us to debate the matter.

On the main thrust of the issues at hand, we all stand together. Certainly, the Ulster Unionist Party does not support a statute of limitations or an amnesty; in fact, as far back as 2017, we warned of what a statute of limitations would lead to. We have been clear that, be you a soldier, policeman, terrorist, member of the public or politician, if you break the law, you should face the law. Everybody deserves the opportunity to get justice. It does not mean that they always will, but we cannot take away that hope.

We must also challenge those who spin lies or untruths or try to push out that they are cleaner than everybody else. If you support the Stormont House Agreement, you support a de facto amnesty, and you do. Under the Stormont House Agreement, if you were left limbless, blind, burnt, in a wheelchair or psychologically damaged, you do not get an investigation. If you were kidnapped in Northern Ireland, taken across the border, tortured and murdered, there would be no investigation. There would be no investigation for those in Birmingham, Warrington, Dublin or Monaghan. That is what the Stormont House Agreement says. If you had a Historical Enquiries Team (HET) desktop review, you would not get an investigation. That is the Stormont House Agreement that, everybody tells me, we signed up to. For those who say, "No, we can change that", here it is in my hand. That is the agreement from 2016. That is the agreement, in detail, that they wanted to submit in 2016. Members can read it, and it will tell them exactly what I have just laid out. All of those people would not get an investigation, so the perpetrators would get away scot-free. We have relegated attempted murder to a misdemeanour, and people here support it as best practice. That is not acceptable.

### 12.30 pm

There are those who say, "Yes, but the police can investigate it. The police cannot investigate article 2, but they can investigate article 3". However, I wrote to the police about article 3 and non-fatalities, and they said that there is no binding legal obligation on the PSNI to

proactively re-examine those cases. There would be nothing. That is a fact.

**Ms Bradshaw:** Will the Member give way?

**Mr Beattie:** Of course.

**Ms Bradshaw:** Last night, we had a meeting with a victims' organisation. It indicated that its conversations with victims who had been injured showed that their main concerns were their quality of life now and whether they were getting their pension and adaptations to their houses. Legacy came further down the list when they drilled down and engaged in qualitative and quantitative research with them. The Member is indicating that their primary objective is a legacy inquest, but I say that our understanding, in many ways, is that they want to make sure that their life is full of quality now. Does the Member agree?

**Mr Speaker:** The Member has an additional minute.

**Mr Beattie:** Of course the Member agrees: if that is what they want, that is what they should get. I am talking about the societal issue. I am saying that society is relegating attempted murder. We should not relegate attempted murder, and we should not allow the perpetrators to get away scot-free. Let us also remember that the Stormont House Agreement was a political construct. It was not victims and survivors but political parties who put into the Stormont House Agreement.

I will raise the second issue. What have the Irish Government done? I can stand here and say to the British Government, "You're wrong on this. Your Command Paper is wrong. I support the Command Paper being taken away and being redone", but I cannot say that to the Irish Government, because they have not produced a Command Paper. They have produced nothing. Thousands of attacks to maim and kill our citizens emanated from Ireland, across the border, and the perpetrators retreated across the border, but the Irish Government are not investigating. Where is their Historical Investigations Unit (HIU)? Where is their legacy investigations branch (LIB)? What are they doing? The answer is "Nothing". I ask the all-Ireland party across the House this: "How many times have you raised that in the Dáil? How many times have you asked why they are not doing more about legacy and the attacks that emanated from this soil into Northern Ireland and further afield?". If you are not asking those questions, you are failing as well, because silence is as bad as putting

forward these recommendations. Putting forward nothing is as bad as putting forward these recommendations.

We have to remember Tom Oliver, who, I think, was mentioned by a Member. His family deserves truth and justice. However, was it not Gerry Adams who said that it would be unproductive to put the people who were guilty of his murder behind bars? Was it not Mary Lou McDonald who said, only last year, that the campaign of terror was justified? Members stand up and say that they are supporting victims. There is a hypocrisy in this place that is absolutely astounding. It comes from all quarters. It comes from quarters from which I would not expect it to come and quarters from which I would expect it to come — the quarters that excuse, condone, promote and eulogise the murder and maiming of our citizens.

Let us be honest; let us widen the lens. We need to look at this, and we need to look at it properly. What we have now is not workable, and nor is the Stormont House Agreement.

**Mrs Long:** It is desperately sad and utterly shameful that we have had to gather here today to denounce the proposals by the UK Government to introduce what they have termed a "statute of limitations" but is, in effect, a full amnesty for all those who committed murders and atrocities during the Troubles, whether in uniform or in terrorist organisations. Since the UK Government unilaterally resiled from their commitment to the Stormont House legacy process, they have claimed to have been pursuing intensive engagement to find an alternative.

I cannot speak to the truth or otherwise of their claims, but my party and most others in the House have not been party to that engagement and, more importantly, nor have the victims and the organisations that represent their views. Their absence from any such engagement is writ large in the absence of their best interests at the heart of the Government's current Command Paper proposals. They are neither victim-centred nor victim-focused; on the contrary, the proposals and how they have been spun out in the media before any victims' groups were even aware they were coming has re-traumatised many families, compounded the hurt and sense of abandonment that they feel and sought to rob them of any remaining hope that they had that they might see justice for their loved ones.

We know, however, that there was engagement at Lambeth Palace, not with victims or elected politicians but between both Governments and

those purporting to be senior republican and loyalist representatives. Of course, perpetrators of violence might well find an amnesty attractive. It would be helpful, however, if the Government would be fully open and transparent about that engagement and what role it had in the formulation of the proposals. In that context, it is little wonder that victims' organisations, with which my party colleagues and I have engaged since last week's announcement, from across the spectrum of victims here have little trust or confidence in the Government's reassurances that the proposals are designed to improve truth recovery; rather, they see them as a means, yet again, for the Government to evade their responsibilities.

To date, the Government have trailed an idealised destination but offered no detail of how they propose to get there. Sadly, that lack of realism is undermining public confidence in the law rather than strengthening it. The idea that, for example, freed of the risk of prosecution, those who committed some of the worst atrocities in our past will have a sudden change of heart and come forward to share what they did, to show contrition or to apologise to the bereaved is, frankly, for the birds. It is far more likely, on the basis of current experience, that perpetrators will be emboldened to speak freely of what they did and continue to build the mythology that surrounds so much of the brutality and cruelty of our past, safe in the knowledge that they will never be held accountable in this life. All the while, the bereaved will be forced to watch on, powerless. A complete travesty. What of those still engaged in terrorism? What message does this send to them and their victims in the here and now about the commitment of government to pursue justice in their cases?

The Secretary of State's proposals are profoundly flawed and are not grounded in the needs of victims' families for truth and justice. In their current form, they are incapable of delivering closure and reconciliation; instead, they risk undermining the rule of law and are a recipe for decades in the courts focusing on challenging and unacceptable interference in due legal process and practice rather than on truth recovery and justice. The cynics among us might suggest that that, too, suits the Government's purposes, for it deflects efforts away from the search for justice and truth and places yet another barrier in the way of families in their long battle of attrition in the hope of wearing down their resolve.

The Government claim that the Stormont House Agreement is undeliverable despite being a model that has international recognition and

support from the majority of affected families and most of the Northern Ireland parties. Whilst I would be the first to acknowledge that the agreement is not perfect, it has the advantage of being comprehensive and European Convention on Human Rights (ECHR)-compliant, which is more than can be stated in respect of the current amnesty proposals. We would therefore be much better engaged in fine-tuning those proposals than casting them adrift and clambering on an uncertain life raft of unilateral government proposals — an uncertain proposal more attuned to the demands of a narrow Tory veterans' lobby than the wider interests of victims, veterans and their families.

Whilst I have serious reservations about the government proposals, we will engage in the talks process, but we will do so on the clear understanding that we are there to fight against the proposals, not to facilitate them. To be successful, discussions require openness, honesty and trust. To date, all of those have been short supply from government in respect of the proposals. To be clear, Alliance's continued engagement is conditional on options that include continued access to due process remaining on the table —

**Mr Speaker:** The Member's time is up.

**Mrs Long:** — in a meaningful way. Building a new future for Northern Ireland —

**Mr Speaker:** The Member's time is up.

**Mrs Long:** — requires us to address the legacy of the past with openness and with courage. That requires truth.

**Mr Speaker:** Thank you.

**Mrs Long:** It also requires justice.

**Mr Weir:** As someone who was born in 1968, I can rightly be described as "a child of the Troubles". Fortunately, more recent generations have been able to enjoy their childhoods with much greater peace and freedom. I can be thankful that, due to the dedication and service of the security forces, who ensured that our country did not descend into greater chaos and anarchy, I was sheltered from the worst excesses of the Troubles. I am also grateful that, like the proposer of the motion, I did not lose any close family members to the ravages of terrorism. That is one reason why I feel I have no moral authority to in any way circumscribe or curtail the rights of the families of victims of the Troubles. Therefore, how much

less right has the Prime Minister or the Secretary of State, whose direct connection with the Troubles was an occasional glimpse of a news story on the television, to impose an unjustifiable amnesty on those families?

Growing up during the Troubles taught me three basic principles that are equally relevant today: first, the sanctity of human life; secondly, respect for and adherence to the rule of law; and, thirdly, that everyone should be equal before the law. The clear breach of those three principles through the early release of paramilitary prisoners was one of the principle reasons why I opposed the Belfast Agreement and, to be fair, why, I think, some who supported it did so with extreme reluctance. The early release of convicted terrorists perverted the criminal justice system and put in place a hierarchy of victims and perpetrators, sending out a clear message to Troubles victims' families through the massively reduced tariff that their loved ones were of less value than victims of other crimes. Sadly, the early release scheme was not the only attempt during the past two decades to circumvent and undermine the criminal justice system. There was also the securing of royal pardons, on-the-run (OTR) letters and wider attempts to negotiate amnesties for republican terrorists at Weston Park.

While I welcome the political consensus that has emerged against the proposals, although it is disappointing that the deputy First Minister did not utter one word in reference to the victims of republican terrorism, I think that some parties must bear responsibility in part for their genesis. Measured against the three tests of the sanctity of human life, adherence to the rule of law and equality before the law, the current proposals make what has gone before seem mild. The families of victims of the Troubles reflect the widest possible spectrum of our society in Northern Ireland and beyond. Their loved ones were the victims of a range of perpetrators, and all murders, from whatever source, were wrong. Given the diversity of community backgrounds, victims unsurprisingly often have different views and objectives. However, it is clear that so unacceptable are the proposals that victims' families have united across the piece to reject them. For many victims' families, their quest for justice will be extremely challenging and less likely to succeed with the passage of time, but it is not the role of the state or of any politician to extinguish that possibility and opportunity. We should listen to and respect the families' voices. More importantly, the Government should listen and withdraw the Command Paper.

I will highlight one aspect of the iniquitous proposals. Statutes of limitations are rarely used in British law. They are principally focused on civil cases that, by their nature, do not seek a criminal sanction and, in some cases, on low-level criminal prosecutions. They are restricted to summary offences, and, until now, any crime that could be treated as indictable and carried a sentence of six months or more could not be subject to a statute of limitations. Crimes that can be indictable include the failure to notify of the movement of cattle, the unauthorised use of a trademark and taking a vehicle away without consent. Those cannot be subject to a statute of limitations, but, under the proposals, taking a human life will be. Starkly, that is how perverse the proposals are and why we must resist them in a clear and unambiguous manner.

Many years ago, it was said that the Battle of Waterloo was:

*"won on the playing-fields of Eton".*

With respect to the Prime Minister, peace in Northern Ireland was won by the service and the sacrifice of our security forces and, collectively, at the expense of the lives of over 3,000 military and civilian personnel.

**Mr Speaker:** The Member's time is up.

**Mr Weir:** The proposals do not deliver truth, justice or reconciliation. Let us send out a clear signal with a united voice that the House rejects them and that, more importantly, the people of Northern Ireland reject them.

**12.45 pm**

**Mr Speaker:** I remind all Members that they have up to five minutes to speak. More Members wish to speak than we have time to allow. I ask Members to stick to the time allocated. Thank you.

**Mr G Kelly:** Beidh mé ag labhairt i bhfabhar an rúin. I speak in favour of the motion. I will try to keep to five minutes.

Today, we in the Assembly have the opportunity to stand together and send a message to the British Government that we all reject any form of amnesty or statute of limitations for British state forces or non-state forces and any interference in the rule of law or the administration of justice. If the Stormont House Agreement was about separating legacy investigations from current policing, these amnesty proposals, if legislated for, would undermine the entire justice system and

democracy itself. Such legislation would bring an immediate end to all criminal investigations, such as those by the Police Ombudsman, the Coroners' Court and civil courts, of conflict-related offences. That would have a far-reaching implication for confidence in the administration of justice and the rule of law.

We can be in no doubt that the proposals are about more than an amnesty for British soldiers. As mentioned earlier, it is not just about the squaddies. The proposals protect those behind the scenes, those in suits and the shadowy figures in the upper echelons who facilitated state killings, designed torture practices in interrogation centres and presided over weapons importation and the administrative practice of collusion. While the British Government's intent is to have amnesty for state forces and to rip the European Convention on Human Rights from the centre of the Good Friday Agreement, let us remember that they are proposals at this stage. It is important to say that. We have a small window of opportunity. They are proposals at the moment, and the intent here must be to prevent them coming in. If we are serious about upholding, protecting and respecting the rights of victims, together we must resist and reject the proposals. In no way do they give cover to any public body, including the Office of the Police Ombudsman or the Coroners' Court, to delay or halt current processes or the publication of reports, and there are outstanding reports. Now that the proposal has been made, I do not want it to be taken as legislation: it is not.

Families are understandably angry. When I talk about "victims' families", I talk about people across the victims and survivors community. They are angry and have real and well-founded concerns. They have fought long battles over decades in memory of their loved ones, some of them for up to 50 years, and they need to be supported by all of us here. I have also spoken to many republicans over recent days, many of whom, like me, were imprisoned. It seems to come up time and time again. They, too, are concerned that the public messaging seeks to put them in the same category as state forces: as people who want and would benefit from some form of amnesty. That is a distraction and amounts to another red herring.

Let me say for the record yet again, speaking as a former political prisoner, that the intent here is to cover up Britain's dirty war in Ireland. I will also make it clear that the only conversations that we have had with the British Government have been to make clear our total opposition to the amnesty proposals. It is for Boris Johnson and Brandon Lewis and them

alone to explain to families their rationale and motivation for bringing the proposals forward. Again, we totally and absolutely reject the Command Paper. We in Sinn Féin will continue to work with families in the pursuit of truth, justice and acknowledgement across our community. Across the Chamber, we have the opportunity to make common cause and oppose, challenge and object to these disgraceful proposals as an affront to victims and survivors. I urge Members to support the motion.

**Mr Clarke:** My colleague from North Antrim outlined how the motion is not ideal. The DUP will continue to lead demands for alternative measures that are victim-centred and grounded in law and adherence to human rights. That said, an amnesty is no way to address the legitimate concerns raised by the vexatious pursuit of ageing veterans who served in Northern Ireland. For the Government, first, to evade and, now, to mask the specific duty to servicemen and women is an act of political cowardice. Once again, expediency trumps the Government's responsibility to the people of Northern Ireland. The vast majority of servicemen and women acted within the law in the service of everyone in our community. They do not need nor do they seek an amnesty from prosecution. Placing them on the same footing as terrorists ultimately risks giving succour to those who continue to try to rewrite history and our past and to glorify the actions of terrorists.

Much has been said today, and I listened to Ms Mallon moving the motion. I take no pride in saying that I lost a family member, unlike the Member and unlike my colleague. I can speak on behalf of victims, who are genuinely disappointed by this and were genuinely disappointed in 1998, when prisoners were released, because that was an affront. Of course, the Members opposite did not make a song and dance about that; indeed, the previous contributor forgot to mention that, I believe, he was in receipt of an on-the-run letter. Where was the justice in that for victims? This is all about a call today in relation to the Members and the community, but, indeed, the Member forgot that.

**Mr G Kelly:** On a point of order, Mr Speaker.

**Mr Clarke:** The deputy First Minister's conduct in her contribution fell far short of the guidance that you gave at the outset. If anybody is morally bankrupt, she is. She is absolutely morally bankrupt. She was an affront to the innocent victims. My brother-in-law was murdered with seven of his colleagues. He was

an innocent member of the public and not part of an armed gang or a militia or whatever the Provos wanted to call themselves. He was an innocent man doing a day's work. Having to come here today to listen to the hypocrisy of Sinn Féin is nothing short of a disgrace.

The security forces are the target of much Sinn Féin's contribution today. It targeted them before with the bullet and the bomb; today, it targets them in the Chamber. I can say that I am proud of the work that the security forces did to protect everyone in this country. I wish that others could do the same.

**Mr Speaker:** Gerry Kelly had a point of order.

**Mr G Kelly:** I did not get an OTR letter.

**Mr Kearney:** .Seasaím chun tacú leis an rún atá romhainn. I speak in favour of the motion. My colleague Michelle O'Neill said that the British Government amnesty proposals are about more than providing legal protection for those who wore uniforms; they are about protecting those who wore suits. Tá an ceart aici go huile is go hiomlán. The strategic purpose of the amnesty proposals is to protect the policy and decision makers at the heart of the British political, military and intelligence establishment, the shadowy and not so shadowy figures and those whose Cabinet decisions and public interventions institutionalised and gave cover to the violence of state forces and their agents, those who presided over state-sponsored massacres and the summary executions of Irish citizens and authorised the reorganisation and arming of unionist paramilitary death squads.

That approach is the culmination of a pushback from powerful sections of the British state system that have never embraced our peace settlement and have remained politically and psychologically at war. Be in no doubt: that is what the proposals are about. They are about blocking any investigation of the internment and torture policy, the recruitment of counter-gangs to carry out assassinations in nationalist areas, the use of intelligence and psychological operations, the political approval for shoot-to-kill operations by clandestine military operations —

**Mr Storey:** Will the Member give way?

**Mr Kearney:** Not at the moment — or the role of the Military Reconnaissance Force (MRF), the Force Research Unit (FRU) and the 14 Intelligence Company. That is the clear intent of the proposals. The policy objective of the amnesty proposals is, in effect, to pour concrete

over Britain's role in the conflict. It is an attempt to formalise legal cover for the de facto impunity and immunity that have protected British forces' actions throughout the conflict. No one in British military intelligence and other state agencies or from within Thatcher's war Cabinet who supplied unionist paramilitary organisations such as Ulster Resistance with arms shipments from South Africa and elsewhere and then inserted key agents into controlling positions among the death squads wants any public scrutiny of their role or actions in the conflict. They fear public exposure and public accountability.

We should be deeply alarmed that the proposals represent a full-frontal assault on the Good Friday Agreement and the administration of justice. They propose to halt inquests, judicial reviews, civil cases and cases that are before the courts. It is a subversion of current due process on an industrial scale. Fundamentally, it is about trying to finally silence the voice of victims, many of whom have been campaigning for truth, justice and acknowledgement on behalf of their loved ones for up to 50 years. It is a travesty that the pain of victims across our entire community — I make no exception in saying that — should be disregarded so that a Tory manifesto commitment that was demanded by the British military establishment can be delivered. It is a mockery of victims' families to suggest that delivering legal impunity for serious human rights abuses, including murder, by British state forces should trump those rights to justice.

We owe it to all victims to ensure that they are treated with equality, dignity and respect. Ní osclófar an bealach i dtreo na fírinne ná an athmhuintearais leis na moltaí seo. There is no pathway to reconciliation in the British amnesty proposals. They have no credibility in this country and will be roundly denounced in the court of international opinion. On that basis, I urge support for the motion. Tacaím leis an rún.

**Ms McLaughlin:** The British Government's plan to grant an amnesty to state and paramilitary killers is an insult to victims and yet another betrayal of justice. I honestly find it really hard to express my disgust at the British Government's plans, which basically deny victims their human rights. How dare Johnson and Lewis even attempt to frame their amnesty proposals as another step on the road towards reconciliation. I cannot begin to imagine how tough last week's announcement in Westminster must have been for the victims and families of our bloody and murderous conflict. How hurtful that, once again, those who have suffered most are being used as pawns

and being poorly served by a Government who, frankly, do not give two balls of roasted snow for any of them. If they did, they certainly would not have decided that justice and truth were beyond their reach.

As a Foyle MLA, I cannot stand here today without mentioning Bloody Sunday. Innocent civilians were slaughtered on our streets. Families, friends and neighbours were left in complete and utter turmoil. It was unlawful, plain and simple. Despite that, families have been forced into spending a lifetime fighting for justice that continues to be denied. The injustice of Bloody Sunday is in the heart and soul of the people of Derry. That trans-generational and intergenerational trauma cannot simply be wiped away at the behest of a British Prime Minister. I am proud that the MP for Foyle stood bravely on the Floor of the House of Commons and named Soldier F, but I am also ashamed that he had to do it. It has become clear that the UK Government have decided to put justice beyond the reach of the Bloody Sunday families. In January 1972, Soldier F went on an uncontrolled killing spree in my home town.

His murderous acts deserve to be recognised, but, more importantly, the Bloody Sunday families deserve justice.

### 1.00 pm

The majority of deaths in our conflict were caused by paramilitaries from loyalist and republican backgrounds. They preyed on our young people; they stole their futures. The bombing and murdering campaigns of those organisations still have a profound impact on communities. There is no statute of limitations when it comes to losing a wife, a mother, a father, a husband, a brother or a sister. Yes, life goes on, but so does grief. Today, I think of the Claudy families. Today, I think of the Gillespie family in Derry. I want to know exactly who murdered Patsy Gillespie. Who gave the instruction that he was to be murdered? Who was leading the IRA in Derry at the time? Who commissioned his death? Why was he picked out? Are his murderers still walking around in my home town? Those are important questions that need to be answered, and justice needs to be served.

Martin Luther King once said:

*"peace is not merely the absence of tension; it is the presence of justice."*

The UK Government, through their proposal, want neither the presence of justice nor, indeed, the pretence of justice. The SDLP resolutely rejects the amnesty and any attempt to impose it without the consent of our citizens and our victims. I urge the Assembly to support the motion.

**Mr Nesbitt:** If we are to make progress, we need to be honest. There have been some shocking examples of a lack of honesty in recent days. Mr Kelly, sitting opposite, posted a video on Twitter last Thursday in which he said:

*"The only way to deal with these issues is through the Stormont House Agreement, and let me emphasise, [that] was an agreement by all the political parties here".*

That is not true. Another contributor, currently aligned with the Alliance Party, posted the same untruth on 14 July:

*"the five parties did get together and agree a way forward — it was called Stormont House (because it was literally signed at Stormont House)."*

No, it was not. That tweet also asserted that the past is "literally" that: the past. If that is that person's truth, they are lucky. For thousands in our community, the past is "literally" the enduring present, measured by lost opportunities in employment, education, social inclusion and family life. It is a present of physical and mental suffering.

The honesty that I talk about was demonstrated by our peace prize laureate David Trimble when, in 1998, he used his acceptance speech to acknowledge that:

*"unionists, fearful of being isolated on the island, built a solid house, but it was a cold house for catholics."*

That acknowledgement does not compromise our view that nobody needed to die or be injured to get to where we are today, but it is an acknowledgement that unionism played a role in creating the environment in which people made bad choices, supporting or, indeed, carrying out acts of terrorism. Who else in the House is prepared to make a statement of acknowledgement?

When I debated the past with the late Martin McGuinness, he was at pains to point out that I did not grow up in Derry, as he did, with, the implication was, discrimination in employment, housing and voting rights — things that, he

seemed to think, left him no choice but to join the IRA. It is true: I did not grow up in his Londonderry, but John Hume did. He chose not to pick up a gun. He chose not to detonate a bomb. He chose non-violence as his way forward. I suggest that our other peace laureate came a lot closer to his vision of success than did Mr McGuinness. I declare an interest as a trustee of the John and Pat Hume Foundation.

Many say that, when somebody dies, we must fulfil our obligation under article 2 of the European Convention on Human Rights: I agree, but what about our other obligations? Article 3 prohibits torture and:

*"inhuman or degrading treatment or punishment".*

I remember all the people tied to lamp posts, put through the public humiliation of tarring and feathering or subjected to kneecapping or so-called punishment beatings. I remember the words of the late Bobby Storey, who famously talked about subjecting prison wardens to, and I quote, "intense psychological moments".

**Mr McNulty:** I thank the Member for giving way. I am reminded of the words of Seamus Mallon, a mentor of mine, in his maiden speech in the House of Commons:

*"Peace is not an absence of war. It is ... a state of mind, a disposition for benevolence, confidence, justice."*

Does the Member agree that the British Government's Command Paper in its current form will serve only to expunge any remaining vestige of their benevolence, destroy the people's confidence in the integrity of the London Government and eliminate access to justice for victims and survivors and their families?

**Mr Speaker:** The Member has an additional minute.

**Mr Nesbitt:** I agree with the Member in that assertion, but I also think that it is about fulfilling the other obligations under the European Convention on Human Rights. Article 5 offers the right to liberty. The names of Jean McConville and the rest of the disappeared spring to mind. Article 6 is the right to a fair trial. How many Máiría Cahills were subjected to kangaroo courts? Article 17, by the way, makes it clear that the articles apply to groups and persons, not just to the state.

Let us not sign up to any statute of limitations. It would be wrong morally, ethically and politically, but also practically. Paragraph 11 of the Command Paper states that, where a family does not want to dig up the past, we do not need to. Have they never sat with a family divided? I did, as a victims' commissioner: brother and sister in a family room at war with each other about whether they should pursue truth and justice.

Paragraph 20 confirms that the Government will disclose fully the information they have and adds the expectation that others will do the same. Did they never listen to Martin McGuinness at Saville or read the report of Mr Justice Smithwick, who concluded that the IRA evidence with regard to the murder of the officers Breen and Buchanan was not credible? The proposals are dangerously naive.

Maybe, instead of total success or failure, we should pitch our ambitions at partial success. I have long thought that everybody involved should acknowledge their part in creating the toxic legacy that challenges us again today. David Trimble did it for my party a quarter of a century ago. He also —

**Mr Speaker:** The Member's time is up.

**Mr Nesbitt:** — challenged us to jump together. Let us restore some dignity to the victims and survivors and some respect to devolved politics.

**Mr Newton:** This is a serious debate. It is an important debate. It is a debate in support of innocent victims and relatives. Mr Storey referred to the incident on 19 July 30 years ago when Mr Tom Oliver was abducted by the Provisional IRA. He was tortured and murdered on this date 30 years ago. The family now report fresh hope and believe that the net is closing in on his killers. They deserve support. On this date in 1992, an IRA bomb exploded in London, murdering four members of the Queen's Life Guard. Twelve soldiers and six civilians were injured and seven horses killed. Their relatives deserve support. Tomorrow is the fiftieth anniversary of Bloody Friday, when PIRA planted 20 bombs in Belfast and murdered nine innocent people, injured 130 and terrified thousands. The relatives deserve justice, as do the relatives of every police officer and soldier who stood between us and the terrorists.

I suspect I am not the only person who is absolutely astonished to read the words "truth", "justice" and "accountability" in the motion and see that Sinn Féin Members are signatories to

it. Sinn Féin Members know all about the activities of the Provisional IRA but refuse to provide any information on their atrocities, information that, for many innocent victims, would help to bring closure.

**Mr Storey:** Will the Member give way?

**Mr Newton:** I will.

**Mr Storey:** The Member opposite refused to give way. The question that was to be put to him was whether he will in the House name the "shadowy figures", as he called them, who are members of the army council today, not 50 years ago. If it is truth that we want, we need to know who is still on the army council.

**Mr Speaker:** The Member has an additional minute.

**Mr Newton:** I agree with the Member. The relatives of innocent victims deserve that information. I remind the House that the Provos targeted innocent people because they were Protestants, unionists and loyal to the crown. They also murdered innocent Catholics. The relatives of innocent victims deserve that information.

Has Sinn Féin moved? Has it embraced truth, justice and accountability? The answer is, emphatically, no. Those words, when used by Sinn Féin, are in the same vein as Lewis Carroll's character Humpty Dumpty in his children's book 'Through the Looking-Glass'. Replying to Alice, Humpty Dumpty said:

*"When I use a word ... it means just what I choose it to mean — neither more nor less".*

That is Sinn Féin's attitude to the words "truth", "justice" and "accountability". Those words mean whatever it wants them to mean. It has nothing to do with serving the interests, wishes or needs of innocent victims and survivors; they mean what Sinn Féin wants them to mean.

DUP leader Sir Jeffrey Donaldson said that perpetrators should never be able to sleep easy in their bed. The DUP finds the Government's suggestion of a statute of limitations — a de facto amnesty that benefits the terrorists — totally absurd. Anyone who breaks the law should face the threat of prosecution and conviction for their crimes. That should be the principle that everyone unites under: the law should apply equally and be applied without fear or favour.

On this very sensitive matter, let me quote 'Belfast Telegraph' journalist Gail Walker, who, in an excellent article last weekend, wrote:

*"Keeping the peace by inflicting another kind of violence upon survivors, censoring their stories, running a line through the broken heart and hurt mind, is quite a narrative. Imagine that being taught in institutes for peace studies throughout the world."*

Gail Walker nailed it. Sir Jeffrey Donaldson has reiterated that the best way to help Northern Ireland to move further along the road to reconciliation is not to sacrifice justice; it is to apply and uphold the rule of law fairly and equally. Relatives of innocent victims deserve to hear the information that is held by many people across this land.

**Ms Hargey:** I speak in favour of the motion. Last week, we all heard the British Prime Minister state that the legacy proposals would allow us to, as he described it:

*"draw a line under the Troubles".*

The arrogance and insensitivity of that statement beggars belief. It is offensive, and it has offended many victims across our community, as we have heard here today. I think of my community and the heroic efforts of the Ormeau Road families, whom I stood with just two weeks ago and who still await a Police Ombudsman's report on the atrocity at Sean Graham's bookmakers.

Having the audacity to ask families from across our community to forgo truth and justice and to draw a line is beyond insulting. It is a denial of their fundamental human rights. No victim should be asked to be silent or to forgo rights to truth and justice. Victims have a right to know why, after nearly seven years, the British Government have singularly failed to implement the Stormont House Agreement legacy mechanisms, despite reaffirming 18 months ago a commitment to do that in the New Decade, New Approach deal.

It is clear that the British focus is not on the needs of victims but on facilitating an amnesty for their forces, which were involved in torture, collusion and state killing. This is not new. We saw, in recent communication from the Human Rights Commission, that, in 2017 — three years after the Stormont House Agreement — at a British Commons Defence Select Committee, a report was compiled that looked at options for here, including a statute of limitations.

Indeed, at that time, the Human Rights Commission said that was incompatible with international and domestic human rights standards. No victim should be asked to concede their right to truth and justice. That is their fundamental and legal right. Bringing forward an amnesty proposal and asking people to draw lines marks the deeper systemic and cynical intent of the British state, whose agenda at all costs is to prevent any investigation into their forces' role in the conflict here. Their focus is to protect state agents, Special Branch handlers who imported weapons from South Africa and, indeed, as was stated, those who directed the policies in 10 Downing Street itself.

**1.15 pm**

Meaningfully engaging with the past must be done on the basis of legal rights and entitlements for all victims. Experience has shown that a denial of truth, justice and accountability impacts on healing and reconciliation. It has also shown us that that impact is passed to the next generation; indeed, we have seen that the next generation is taking on the mantle of the campaign on behalf of their loved ones to find truth and justice. No family should be asked to concede their right to an investigation or to draw a line in the sand. That has to be done in line with human rights, and they have a right to an inquest or a public inquiry. That is their right in law. Denying families their basic human rights is at the core of the British Government's approach to legacy, and, if you look at the details of what they have been talking about, you will see that it has been for some time.

The proposals would not be out of place in a military dictatorship. The British Government's focus is on prioritising the needs of British state forces over those of victims. It is about amnesties, it is about denying investigations, and it is about avoiding accountability.

The House needs to send a united and clear message to the British Government that we need to see the immediate delivery of the rights of all victims and not further delay or denial. We need to see accountability. We need to see the immediate implementation of the Stormont House Agreement, which was agreed seven years ago. That has to be done in a human rights-compliant manner and in a way that is victim-centred.

Truth, justice and accountability are key to healing and building for the future, but asking victims to draw a line under the past or to forfeit their right to truth and justice are not. I heard

the emotion in the voice of the Member on the opposite Benches, and we can all speak with that emotion. I, too, have had experiences in my family, and, when we listen to voices in the Chamber but, more importantly, the voices of victims' families, we hear that they all feel the same pain, no matter what background, community or denomination they come from. They have bled in the same way, and they cry and grieve for their loved ones in the same way.

**Mr Speaker:** The Member's time is up.

**Ms Hargey:** It is important that the House sends a clear and unequivocal message to the British Government that we support the motion.

**Ms Bradshaw:** I support the motion and welcome the opportunity to speak today. The Alliance Party has always sought an approach to dealing with the past that is based primarily on the interests of victims and survivors. What we see in the UK Government's Command Paper is precisely the opposite. The interests of victims and survivors are cast to one side for the sake of political expediency. The Secretary of State, in presenting the Command Paper in Parliament, claimed that the proposals in it would support recovery and reconciliation. It is clear that they would do the reverse.

I wish to outline why the proposals serve neither the interests of victims, who are supposed to be central to all this, nor even, in fact, those of the veterans whom the UK Government think they are helping. First, the proposals are all about something that looks like an amnesty and barks like an amnesty, even if that word is inconvenient for the UK Government. Far from putting in place a proper, comprehensive truth recovery process, the UK Government have failed thoroughly in their analysis. What they propose to put in place will hinder truth recovery and will serve only to tip the balance in favour of the offender over the victim. After all, with an effective amnesty in place, what will be the motivation for anyone to tell the truth? That speaks to a profound failure on the part of the UK Government to recognise that the prime reason that the current system is not working is that those who carried out the atrocities, by and large, believed and still believe that they were justified in what they did. The proposals will merely mean that those who ruined lives will be even freer to justify their actions openly, perhaps even to the point of justifying specific instances in public without fear of prosecution. Is that really the legacy that the Secretary of State wishes to leave? Those consequences may be unintended, but they show how poorly thought-through the proposals

are. They will serve only to, potentially, traumatise victims further, thus hindering their recovery and harming wider societal reconciliation. Indeed, not all the victims are resident in Northern Ireland. Many live in Great Britain, and thus we see Conservative MPs failing to act in the interests of their constituents.

We need to add that, since the proposals follow on from similar proposals concerning veterans who served abroad, the Command Paper is an insult not just to victims but to the many veterans who served honourably. The proposals leave untouched the distinction between those who served with astonishingly heroic bravery in the interests of peacekeeping here and those who oversaw or committed actions that were unjustified and unjustifiable. Many veterans who served honourably now feel that they will not be distinguished from those who were responsible for pain and suffering. The UK Government are being tripped up in their rush for political expediency.

This is exactly why the rule of law is a basic tenet of democracy. We simply cannot draw a line under the past when our past remains embedded in our society in the higher levels of mental anguish, in the ongoing control of communities by paramilitaries and in maintained segregation along sectarian fault lines. The fact is that drawing a line benefits only those who carried out atrocities, while those who suffered will be re-traumatised. Moving on requires dealing with the past, not pretending to forget and simply writing justice out of the process.

In closing, I thank Amnesty International, the Committee on the Administration of Justice (CAJ), Relatives for Justice, the South East Fermanagh Foundation (SEFF), the Pat Finucane Centre, the WAVE Trauma Centre and former Royal Ulster Constabulary (RUC) officers and their families for their engagement with the Alliance Party over the last few weeks. A feature of the debate in the UK Parliament was that the past is a constant shadow: it certainly is. Engaging in an expedient plan to deny justice only impedes the light.

**Mr McGlone:** I support the motion and welcome the agreement of other parties to our recall of the Assembly to debate the British Government's proposals for a Troubles amnesty. Our concern at the sudden announcement at the end of June of a framework for multiparty talks on Northern Ireland legacy issues has been shown to be justified. The proposals drive a wrecking ball through the previously published agreements

between the parties and the Irish and British Governments. They breach the commitment given in the New Decade, New Approach agreement that the British Government would:

*"maintain a broad-based consensus on these issues, recognising that any such UK Parliament legislation should have the consent of the NI Assembly."*

There is, in fact, broad-based opposition — we hear it today — to the British Government proposals, and we have provided the Assembly with the opportunity to state categorically that the proposals do not have the consent of the Northern Ireland Assembly.

The New Decade, New Approach agreement was supposed to build on the 2014 Stormont House Agreement, which stated that:

*"Processes dealing with the past should be victim-centred. Legacy inquests will continue".*

That approach is abandoned in the latest British Government proposals. The decision to halt existing inquests and other civil action in no way addresses the concern expressed in 2014 that the legacy inquest process was not providing access to a sufficiently effective investigation within an acceptable time frame. As the chief commissioner of the Northern Ireland Human Rights Commission pointed out, it disregards the requirements for an effective investigation under article 2 of the European Convention on Human Rights for victims of the conflict and their families and raises profound issues about the rule of law. Indeed, the commission has advised the NIO that a proposed statute of limitations was incompatible with international and domestic human rights standards. The commission is of the view that the proposal to end current and future inquests shuts down the option of an inquest in getting to the truth, an option to which recent Supreme Court judgements have only just opened the opportunity for greater accountability, as in the Ballymurphy case.

The parties in the Executive Office have failed to make progress on the Stormont House Agreement, but that should not be used as an excuse by the British Government for the proposals. They shut the door on the prospect of truth, justice and accountability for victims and survivors. Without that prospect, we will not hear acknowledgement of past wrongs and there can be little hope for reconciliation.

It is not just the innocent victims of atrocities by state forces, like Bloody Sunday and

Ballymurphy, that the door is being shut on; it is the thousands killed, maimed, beaten and disappeared by the likes of the Provisional republican movement and their lackeys and by loyalist paramilitaries. The door is also being shut on Operation Kenova and its efforts to shine a light on the allegations of collusion at the heart of the Provisional IRA.

I hope that the family of Tom Oliver are right in their reported hope that the net is closing on those responsible for his murder in July 1991. I trust that Jon Boutcher is right when he says that his team has an understanding of who was involved in that murder.

**Mr McNulty:** Will the Member give way?

**Mr McGlone:** Yes, certainly.

**Mr McNulty:** My sister lives in a farmhouse on the Cooley peninsula, not far from another farmhouse where Tom Oliver, an innocent farmer, was abducted in the darkness of the night by the shadowy figures of the IRA. They then tortured him, pulled out his fingernails, murdered him and dumped his body by the side of the road, not far from my home. I remember the sudden shock and sadness of the morning when Tom Oliver's body was found dumped by the side of the road by the shadowy figures of the IRA not far from my home. Does the Member agree that Tom Oliver's family would be denied justice, given the new DNA evidence available, as a consequence of the proposal by the British Government?

**Mr Speaker:** The Member has an additional minute.

**Mr McGlone:** I thank the Member for his contribution and his very distinct knowledge of that atrocious incident. It is certainly right that the case is a prime example of why Troubles cases should not be closed.

While we may be in general agreement here today, we should not ignore the origins of the latest British Government proposals. The de facto amnesty that, the Secretary of State, Brandon Lewis, has confirmed, will apply equally to all Troubles-related incidents is a rerun of the Northern Ireland (Offences) Bill in 2005. At that time, the SDLP was alone in consistently opposing that Bill, which was the outworking of a deal ostensibly between Gerry Adams and Peter Hain. The denial and spin from Sinn Féin around that Bill did not withstand the scrutiny of victims' groups, and it was forced to withdraw its support at the last minute. The current Finance Minister was there on that day.

As with the latest proposals, the 2005 Bill would have provided immunity for both paramilitaries and members of the security forces from prosecution for Troubles offences.

The failure to make progress since then on the vital issue of addressing the legacy of the past has given the current British Government another opportunity to close the deal done in 2005. However, attempts to seal off the past are doomed to failure. The poison will not be contained, and it will continue to contaminate the present and the future until it is properly addressed. The way to properly address the past has already been outlined: a comprehensive legacy process through investigations with full police powers. That process requires a commitment by all parties and the British and Irish Governments to truth, justice, acknowledgement, accountability and reconciliation.

I support the motion. Molaim an rún.

**Mr Chambers:** In early 1973, I was employed as the manager of a busy supermarket on the Shankill Road in Belfast. Just before lunchtime one day, police officers came into my shop and asked me to evacuate the store immediately as a utility van parked across the road had been hijacked earlier in Ardoyne and was thought to possibly contain a bomb. After securing the store, I made my way to what I considered to be a place of safety beyond the police cordon. Moments later, there was a huge explosion, and a second-floor, large plate glass window blew out and struck me and a colleague on the back and the head. I was, obviously, in shock, and I could not understand why two women who had come to my aid fainted at my feet. I was unaware that a huge triangle of glass was protruding from my back, accompanied by a steady flow of my blood. Travelling to the Royal Victoria Hospital in an ambulance that was packed with the walking wounded, I became paralysed. Fortunately, however, that was induced only by shock. I was informed by doctors attending me at the hospital that the glass had missed my spine by less than a quarter of an inch. I had the glass removed and received a number of stitches. I carry a scar to this day. I was unable to work for six weeks after the incident. The people who planted the bomb, made the bomb and transported the bomb did not care whom they injured or killed with their actions.

1.30 pm

At the time, I did not consider myself a victim; I saw the 3,500 poor, unfortunate people who

were murdered or killed as victims. Looking back, I see that I was a victim — a very lucky victim, by a mere quarter of an inch. I might have had to spend the rest of my life in a wheelchair or worse, as over 40,000 who were injured during the Troubles did, many of them maimed, many with lost limbs, and many carrying brain damage. All of them were victims. Many were not as lucky as I was that day.

The Stormont House Agreement removed any hope that those injured during the Troubles, many with life-changing injuries, would ever see their case investigated. They were considered by some as collateral damage, a number to be overlooked. My party never signed up to that agreement. I am pleased that it took that position and maintains it. There has been much talk and justified outrage by all parties about the Secretary of State's proposals, the lack of accountability and transparency and closure and justice for victims' families. The Stormont House Agreement ticked hardly any of those boxes for many victims' families.

During the Troubles, I served in the Royal Ulster Constabulary Reserve for 15 years. I ran and organised football teams to enable police officers to play competitive football. Eight officers whom I knew personally were killed during the Troubles. Wives were left without a husband and children without a father. The officer's only crime was to wear a particular uniform. I knew a Catholic officer who came from a strongly nationalist area. He and his brother joined the police at a time when it was not fashionable for people from that community to do so. He served with distinction for 30 years and achieved high rank, as did his brother. Some time ago, I met him at a funeral. He told me that he was ashamed to tell people that he had served in the RUC, not because of anything that he had done or seen — he was proud of having served in the police — but because of the rewriting of history that included the demonisation of everyone who had served in the Royal Ulster Constabulary. How sad it is that somebody who gave dedicated professional service should feel that way. It is the same for the Ulster Defence Regiment (UDR) and the British Army. An amnesty may remove the threat of a knock on the door for the bad apples, but it does nothing to remove the stain on the reputation of those who served with honesty and professionalism and put their life on the line, 24/7, to protect and serve the community.

**Mr Speaker:** We are well into the grace period agreed between the Business Committee and me. I will call the remaining three Members who

wish to speak. I remind them that, in the circumstances and given the lateness of the time, if they take an intervention, they will not get an additional minute. I call Clare Bailey.

**Ms Bailey:** I rise, of course, to support the motion. I also rise saddened that we are seeing more political machinations causing so much hurt and damage to victims and survivors. We are all aware that the move comes from a Tory manifesto commitment to protect armed forces personnel from litigation; it does not come from consultation or conversations with victims and survivors. Boris Johnson has told us that the amnesty will help Northern Ireland to draw a line in the sand under the Troubles. Well, I have not believed a word that that man has said yet, and I will not start with that appalling sentiment. If you are listening, Mr Johnson, there can be no peace and reconciliation without truth and justice.

It is generally accepted that amnesties as a tool for peace and reconciliation fail to meet and resolve victim and community needs. They fail to deliver justice for the victims of crime. They further a culture of impunity and can reduce the trust of a society in its state institutions, something that we can ill afford to heighten. The Northern Ireland peace process is held up as a beacon around the world, yet communities, families and individuals — the victims and survivors — who continue to be poisoned by the grief and pain of the legacy of our past are being told, "Draw a line in the sand. Get over it. There will be no justice".

There are countless studies of intergenerational trauma that show how complex grief and trauma cause significant distress and physical and mental disadvantage not only for immediate victims but for entirely new generations. We have the statistics that highlight the concentration of drug and alcohol problems in the communities that were most impacted by the violence. We have the highest rate of suicide in the UK. We have higher incidences of self-harm. We have higher rates for prescriptions to deal with mental ill health. We have higher levels of depression.

We do not need a blanket ban on prosecutions. We need a victim-centred, collaborative, inclusive approach to dealing with the legacy of conflict, one that fully recognises cross-generational impacts and redresses the harm that has been caused. That includes actually addressing mental health spending in Northern Ireland.

Post-conflict Northern Ireland has been a sponge for Peace money. We have received

€1.3 billion from the EU since 1995, with a promise of another billion up until 2027. We have received \$4 billion in peace-focused grant aid, €120 million from Atlantic Philanthropies and £27 million from the International Fund for Ireland. So a legitimate question is this: how have our communities that have been most affected by the violence and the division seen so little benefit from any of that? The areas that bore the brunt of the conflict remain the most economically and socially disadvantaged 23 years after the peace process began. The problems have become ingrained and deep-seated, and we are leaving it for the next generation to deal with.

We have seen peace-building entrepreneurs and peace-building institutes, some owned by politicians, receiving lots of public money and private donations. It has become a really reasonable notion to think that a divided society is a lucrative business for some, but it is not for victims and survivors and certainly not for the communities that bear the brunt.

**Mr Speaker:** The Member's time is up.

**Mr Carroll:** I thank the Members for tabling the motion. There should be no doubt that the British state was the main protagonist in fuelling violence and conflict in the North. That is evident when you look at the pattern of repression and violence that was meted out to a peaceful and democratic movement for civil rights and at the various abuses of power in the early 1970s and onwards, not least internment, collusion, torture and shoot to kill. The list goes on and on. The current Tory plans to impose a statute of limitations to cease prosecutions for incidents during the Troubles will slam the door on those who lost loved ones in terrible circumstances during the Troubles. It is reprehensible and amounts to a retrospective licence to kill from a Government who care not one iota for the victims here who come from all communities and all deserve justice, whether they lost loved ones at the hands of the state or through paramilitary violence.

Despite innumerable platitudes from Boris and his cohorts about moving on, the reality is that the plan is designed to do anything but that. It is a scheme that provides no truth, justice or accountability for people who have lost loved ones. It is obvious that, on the one hand, Tories are playing to a specific pro-empire, right-wing voter base in trying to protect their soldiers, but, more crucially, on the other hand, they are trying to protect their own establishment and to exonerate it of its crimes in Ireland. What the Boris Johnson Government are really interested in is avoiding a situation where the long list of

military crimes of the state is aired before the world in a way that we saw at the Bloody Sunday and Ballymurphy inquests and in the case of Soldier F.

The British Empire, where the sun never set and the blood never dried, has a long history of violence across the world and has much to fear from having to own up to how much of that violence was sanctioned from the very top, rather than being the actions of a few rogue soldiers. When they got away with it in Ballymurphy, they knew that they could get away with it in Derry on Bloody Sunday, and they knew that they could get away with it in Springhill and Westrock a year later, as well as in New Lodge and many other places. Let us also be clear that they have been getting away with it in other parts of the world in more recent years in Baghdad, Basra, Fallujah and any other city where British military boots landed to carry out imperialist ventures. If the British Army's crimes in the North were tried before the courts, the image created by the British establishment of an army sent on a peacekeeping mission between warring tribes would be further shattered. It would call into question the entire institution of the British military, with far-reaching implications for the military and the so-called counter-insurgency expeditions across the world.

Boris Johnson's plan to protect those who murdered in cold blood will protect his state and those who gave the orders, such as General Sir Michael Jackson, while the victims and their families, who paid the ultimate price for those actions, will be denied justice once again. The plans must be ardently opposed, because they are not supported by the vast majority of people locally and represent an assault on justice. Let us also be clear that it is not just one section of the community that has an interest in seeking truth and justice. When the state kills its citizens, it is in the interests of all communities to fight for truth and justice, whether those communities are Catholic, Protestant, Muslim or none of those. Let us not forget the devastating role played by the Parachute Regiment on the Shankill Road in taking the lives of Ritchie McKinney and Robert Johnston, which is not often talked about.

We now know that the secret hand of the British state was knee-deep in violence during the Troubles. That was not just in the early years, when it openly gunned down peaceful civil rights protesters, but for decades through hidden and subterranean ways, including its dirty war and its collusion with paramilitaries through covert military intelligence groups such as the FRU and other intelligence agencies that

worked inside paramilitary organisations and were responsible for the murders of many innocent people. Again I emphasise that those who were killed by paramilitaries will be negatively impacted by the Government's plans, which are not supported by the victims' groups that represent them. We need to see a process that offers a fair chance of justice to the families of every victim of the Troubles, rather than one that tries to bury their experiences and grief.

I resolutely oppose Boris Johnson's perverse, dangerous and reactionary plans. My solidarity goes out to every victim and to their families, who continue to fight for truth and justice against the many barriers and obstacles that are placed in their way.

**1.45 pm**

**Ms Sugden:** Albeit in a different context but one that is no less relevant, Willy Bach, Chair of the Bach commission, in 2017, said:

*"It is, after all, fairly simple: unless everybody can get some access to the legal system at the time in their lives when they need it, trust in our institutions and in the rule of law breaks down. When that happens, society breaks down."*

Northern Ireland's society is broken. It remains broken because many have not had access to justice, and the proposals remove any hope of that. I support the motion, if only to defend and uphold the integrity of justice.

My father came to Northern Ireland in the 1970s. He was a member of the British Army. He was also a son and a brother. He was a young soldier from north Yorkshire, tasked to protect all in Northern Ireland at a time of severe conflict when many people were losing their lives. It was the same when he was a prison officer. His job was to protect the people in his care: not to pass judgement, undermine or interfere but to do a job that, he felt, was to look after others. I ask him about it regularly, and he gives me the same answer: he was there to protect others. My father does not represent every British soldier, every prison officer or any other service in Northern Ireland during that period, but I expect that he represents most of them. They are proud people who believe that they were protecting others.

I acknowledge that some crossed the line and stepped out of sight of their role. Their motivation is a separate conversation. What is important today is the difference between doing

their job and committing a crime. If crime was committed, those individuals should be held to account in law for their actions as they would be in any other environment or circumstance. Not doing so undermines people like my father, because it suggests that criminal behaviour is acceptable in the armed forces. That is not the service. It is certainly not the service that he joined; indeed, he would not have joined if it had been. A core tenet of any armed force is to uphold the law; at least, that is what most believed.

It is shameful that the current Conservative Government want to retrospectively stain good, decent servicemen and servicewomen by saying that those among them who broke the law are equal to them through a statute of limitations and that they are equal to terrorists who sought to create victims through violence dressed up as a cause. Yesterday, I asked my father whether he would support the proposals: he said to me, "Speaking as a former soldier, if you break the law, you must face the consequences".

As Minister of Justice, I was keen to harness humanity in the system. I recognised that the process involved people, and I sought to meet victims and their families. I met families from Enniskillen, Ballymurphy, Kingsmill and Omagh. I felt that it was important to listen and to recognise them as the mothers, fathers, sons and daughters of those whom they had lost. Of course, I expected the families to be aware of the circumstances that led to those meetings. What I recall from each family in that room in Castle Buildings, however, was the look in their eyes: deep-set trauma and searching for answers. Younger members of the families attending those meetings, who had no direct experience or even recollection of the atrocities or might not even have been born when they happened, had the same look in their eyes.

No, time will not be a healer. That trauma is passing from generation to generation, because it has not been addressed. The proposals do not address it. They attempt to draw a line and ask victims to move on. Victims will never move on. They can accept, but they need answers to do that. It is not enough to provide "space for truth", as proposed by the Secretary of State. Of course people want answers, but justice must follow. Otherwise, what is the purpose of truth, other than to further torture victims by denying them the fundamental right of justice?

**Mr Speaker:** I now call Matthew O'Toole to wind up and conclude the debate.

**Mr O'Toole:** Thank you, Mr Speaker.

If you were to walk from the Chamber across the Great Hall to the Senate Chamber, you would pass two striking and hopeful quotations from two of our most famous writers: Seamus Heaney and C S Lewis. You would also pass memorials to two particularly shocking killings from what we call "the Troubles": the murder of Norman Stronge, the former Speaker of the Stormont Parliament, and his son at Tynan in 1981, and the stabbing to death of Senator Paddy Wilson, a member of my party, and Irene Andrews in 1973. While those acts were especially gruesome, the purpose of pointing them out is to draw attention to how surrounded we are in this society by trauma and the memory of trauma. Around 3,500 people were killed during the Troubles over the course of two and a half or three decades. That number, over three decades, may seem small in comparison with many other conflicts, but, in a geographically confined space with a small population, the rippling waves of psychological impact on relatives, friends and even children born since the end of the conflict have been enormous. We have heard that repeatedly from Members today. We have heard personal experience offered today, including from Mr Chambers, who gave a striking account of his encounter with violence in this society in the early 1970s, and from Mr Clarke and others.

Not all of us have lost a close family member, but everyone — all of us — is affected. We all have a profound stake in how we deal with the past, and we all want and need an agreed and appropriate means of dealing with it. However, as has been made clear in today's debate, none of the parties in the Northern Ireland Assembly believes that what the British Government proposed last week is an appropriate means of dealing with the past. Why? It is because it does not attempt to deal with the past. It seeks to sweep atrocity, injustice and trauma under the carpet in order to deliver a Conservative manifesto pledge to end prosecutions for servicemen.

To further perpetuate the myth of vexatious prosecutions of veterans propagated by right-wing tabloids and some Tory Back-Benchers, the British Government want to close down every avenue for justice and legal recourse, civil and criminal, for families who have lost loved ones to the violence of paramilitaries and the security services and still have no means of accountability. There are Members of the Assembly who have lost family members as a result of the Troubles. It is important to acknowledge, as others have today, including Mr Nesbitt, who speaks from his experience as a former victims' commissioner, that not all victims and survivors have exactly the same

perspective on how they want their cases handled, but it is true that the reaction to last week's proposed amnesty has been universally negative from victims' groups.

I want to quote one—.

**Mr McNulty:** Will the Member give way?

**Mr O'Toole:** I will give way briefly.

**Mr McNulty:** Does the Member agree that the British Government's proposals deny support, remorse, truth and justice to families: the Reavey family in Whitecross; the families of the Kingsmill massacre victims; Majella O'Hare's family on the Ballymoyer Road; Patrick Kerr's family; and the families of Philip Allen and Damien Trainor, who were shot dead in Poyntzpass as they sat and drank as friends in Canavan's bar. The proposals by the British Government deny those families support, remorse, truth and justice.

**Mr O'Toole:** My colleague has offered some striking examples of people who would be denied justice if the proposal becomes law. We will all be familiar with Sandra Peake, the chief executive of WAVE Trauma Centre. She says:

*"the Government wants to draw a veil over the past but there isn't a veil thick enough to hide the blood and bones of thousands of victims or to muffle the cries of their families."*

The beginning of the motion refers to the need for victims and survivors to:

*"have a full, material and central role and input into the content and design of structures to address the legacy of the past".*

That, of course, has not happened. The British Government have published a document that has united victims' groups and parties here in opposition to its sheer cynicism.

I want to respond to some of the comments made by Members across the Chamber, but, first, I want to touch briefly on the proposals put forward by the UK Government. They are more than cynical. In the Command Paper, the UK Government say:

*"appropriate safeguards would be put in place to ensure that there would be no inadvertent disclosure into the public domain of information that could threaten national security".*

Of course, no definition or worked example is offered as to how such a test would be applied or who would make it. Families from Bloody Sunday, Ballymurphy, Loughinisland and many others who believe that the state has an interest in preventing the full disclosure of information relevant to their family members' killing will treat any promise of full or voluntary disclosure by the state with profound scepticism. Is the Command Paper itself not justification for that scepticism? What exactly is the state saying to victims? It is saying, "Trust us. We are walking away from another international treaty obligation only 18 months after recommitting ourselves to that obligation. We are unilaterally proposing the suspension of the rule of law as applied to thousands of murders over three decades. We want to suspend not only the criminal law but any legal route to accountability via inquest, civil litigation or ombudsman investigation. We are going to do all that, but trust us. We will disclose any relevant information unless we decide that we do not want to". Do they think that victims are fools?

The other large claim in last week's paper is that a statute of limitations would maximise opportunities for information recovery. On what evidence is that claim based? Mr Nesbitt touched on that as well. If it were true, there would, presumably, be a clear record of ex-paramilitaries and, where relevant, members of the security forces offering information to families once the threat of prosecution had been removed. The evidence of the Saville inquiry showed that not to be the case, and the evidence of the Smithwick tribunal, to which Mr Nesbitt referred, also showed that. Have the Government been told by paramilitary groups that their members would be honest and forthcoming in information disclosure, should the possibility of criminal prosecution be removed? We should be told if they have.

I want to touch on some of the contributions. I will not touch on them all, because they were thorough and fulsome. It is clear that there was strong support for the motion but differences in emphasis and message from people in the Chamber. It would be dishonest to pretend that there is complete unanimity of emphasis, but there is unanimity of opposition to what the UK Government have proposed. That is extremely important.

Mervyn Storey said pointedly that his party did not support victims being treated in this way: we welcome that. He and several other colleagues, including my colleague Justin McNulty, drew attention to the experience of Tom Oliver. That case highlights to us why it is simply not good enough to close the door on potential criminal

investigations on the basis of what the UK Government have offered. New evidence has apparently come to light in that case, and I hope — I am sure all in the House hope this — that further progress can be made in offering some justice and accountability to his family.

Like others from his party, Doug Beattie talked about the Stormont House Agreement and the fact that our motion mentioned it. It is true that the Stormont House Agreement is not perfect, but it is also true that it is a practical way forward that has significant buy-in from victims. It does not have unanimity and is far from perfect, but it is a lot better than what the UK Government are doing. I would also say gently that, given that the UK Government have falsely and disingenuously claimed that there is no way forward and that Northern Ireland political parties cannot agree on anything on legacy so we should just junk everything and do what they want to suit their agenda, I would be cautious about allowing them to make that argument. Others —.

**Ms McLaughlin:** Will the Member give way?

**Mr McAleer:** Will the Member give way?

**Mr O'Toole:** I need to make progress, so I will not give way, I am afraid.

Many other comments were made that were strikingly pointed. Of course, several Members pointed out the disingenuity of the UK state in its message about protecting veterans from vexatious prosecutions. That was striking in last week's statement from Brandon Lewis. At several points, Tory Back-Benchers offered him the opportunity to cynically endorse the line about vexatious prosecutions, and he did it time and time again. That, I am afraid, shows what lies behind his motivation. Nichola Mallon, my colleague who proposed the motion, mentioned his cynical article in 'The Daily Telegraph', which did precisely the same thing.

It is true that there are real and dark interests in the security forces and Whitehall who would rather that the full details of what happened here did not come out. It is also worth saying — I would be remiss if I did not reflect this in my winding-up speech — that victims of paramilitaries, including the IRA, are as entitled to truth and justice as anyone else. Today, I and my party stand with all victims who seek justice from paramilitaries and from members of state forces who took life unlawfully.

I will also reflect on the point that several Members made about the state taking life and

how those in the services should not be on the same level as paramilitaries. The important thing to reflect on is not that all state actors or members of the security forces behaved in that way but that crimes were committed. Those crimes were the same, and they should be treated the same.

We should all want to find a way of healing and easing the pain of those who suffered most. We should all want to find a way of remembering and moving on from a squalid and futile conflict that scarred so many. However, we cannot pretend that those scars do not exist. Burying our past at the whim of Boris Johnson and his immoral Government is not something that we can countenance.

At the start of my remarks, I mentioned the quotes in this Building from Seamus Heaney and CS Lewis. Heaney enjoins us to:

*"Believe that a farther shore*

*is reachable from here."*

**Mr Speaker:** The Member's time is up.

**Mr O'Toole:** CS Lewis said:

*"There are far, far better times ahead of us than any we leave behind".*

It should be all our jobs to make real on those sentiments, especially for those among us who carry the pain of loss. That is why —

**Mr Speaker:** The Member's time is up.

**Mr O'Toole:** — we should all oppose the lawless and immoral amnesty from a lawless and immoral UK Government. I commend the motion to the Assembly.

*Question put and agreed to.*

*Resolved:*

*That this Assembly believes that victims and survivors should have a full, material and central role and input into the content and design of structures to address the legacy of the past; rejects the proposals contained in the British Government's Command Paper 498 'Addressing the Legacy of Northern Ireland's Past' for a statute of limitations in relation to criminal investigations and prosecutions and its further proposals in relation to "current and future civil cases and inquests"; further believes that these proposals do not serve the interests, wishes or needs of victims and survivors nor*

*the requirements of truth, justice, accountability, acknowledgement and reconciliation; recalls the approach to dealing with the legacy of the past agreed at Stormont House, which also forms the basis of an international treaty between the UK and Irish Governments; calls on the British Government to withdraw their Command Paper 498; further calls for a commitment by all parties and the British and Irish Governments to truth, justice, acknowledgement, accountability and reconciliation as essential to address the requirements of victims and to demonstrate how these requirements will be addressed in legacy arrangements; and calls for this Assembly to renew its commitment to address the legacy of the past, fulfil the requirements of truth, justice, acknowledgement, accountability and reconciliation and to oppose the British Government introducing legislation to impose its proposals.*

## **Adjournment**

**Mr Speaker:** Before I put the Question on the Adjournment, I remind Members that the Assembly will next sit on Monday 13 September 2021, as scheduled.

*Adjourned at 1.59 pm.*

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