

Submission 11

Fermanagh and South Tyrone Terrorist Victims Association (FASTTVA)

INTRODUCTION

The subject of victims' rights was addressed at a seminar held in the Oaklin House Hotel, Dungannon on Saturday 12 May 2001. Twenty-four individuals connected with the Fermanagh/South Tyrone Terrorist Victims Association (hereafter termed FASTTVA), all of whom had been affected, directly or indirectly, by thirty years of terrorist violence, met with Ms Miriam Titterton, Development Worker with the Northern Ireland Human Rights Commission.

As a result of the issues raised at that seminar, and of feedback from it, FASTTVA wishes to make the following observations and recommendations in regard to the framing of a Northern Ireland Bill of Rights. The Northern Ireland Human Rights Commission is requested to give due consideration to each of these matters, and to provide a detailed and early response. FASTTVA intends the present document to be viewed as an initial submission, and undertakes to engage with the NIHRC in exploring how best to accommodate the legitimate concerns of those who have suffered so grievously from the inhumanity of others.

OBSERVATIONS

- Outrage was expressed by members of FASTTVA at the perceived tendency of government and its agencies to embrace all who had experienced any kind of disadvantage during the period of civil unrest within the category of "victims of terrorism", regardless of whether those individuals had themselves either actively or passively supported terrorist activity. This was felt to be an insult to the "true and innocent" victims of terrorism.
- There was disquiet at the composition of personnel comprising the Northern Ireland Human Rights Commission. The record of involvement of a number of the Commissioners with the Campaign for the Administration of Justice (CAJ) was seen as indicating a predisposition in favour of a leftist and republican position and as creating a disincentive to the involvement of those opposed to this stance.
- Following from the previous point, members of the FASTTVA viewed the mechanisms whereby appointments are made at all levels to the Northern Ireland Human Rights Commission as totally unsatisfactory, lacking in transparency and failing to manifest equality of treatment. The United Kingdom government was seen as manifesting in every interface between government and the individual, whether as public representative or otherwise, the attitude that only the opinions of those giving support to the Belfast Agreement are valued. Some of those present pointed out that while people who are technically members of the Protestant community, by virtue

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of being born into Protestant families or educated in state schools, are undoubtedly represented in bodies such as the NIHRC, membership is restricted only to those who have a record as “tame” Protestants who are completely out of sympathy with traditional Protestant views.

- A number of members were not comfortable with the concept of “human rights”, which they viewed as emphasizing rights to the exclusion of duties, as deriving from European revolutionary concepts, and as derogating from Biblical principles. The latter were felt to provide the totality of necessary guidance on inter-personal relationships and those between the state and citizen.
- Anger was expressed by a number of the members at the lack of balance displayed by the decision to hold the so-called “Bloody Sunday” inquiry, with its attendant massive costs, while many atrocities against Protestant remain unsolved and apparently uninvestigated.
- As all aspects of the rights of the citizen are inter-related in so far as they contribute or otherwise to his/her sense of security, identity, self-worth and well being, other activities of arms of government were seen to be discriminating against the community represented by the members of FASTTVA. Those present objected strongly to government’s increased dependency upon unelected quangos. Historically, use of these bodies originated in America, and they were intended only to have an administrative, not an executive, function. In Northern Ireland today, their successors daily exercise executive powers and make wide-ranging decisions on the rights and freedoms of its citizens and the disposal of public funding. The following provide examples of instances in which quangos have made decisions that reinforce the Protestant community’s sense of being discriminated against:
 - * Funding decisions on the part of some quangos are expressed to be dependent on applicants being able to show that their organisations have a cross-community membership basis. At the same time, agencies such as the Northern Ireland Voluntary Trust and the Community Relations Council have been discriminatory in the amounts of funding awarded in favour of single-identity Roman Catholic groups in comparison to Protestant groups.
 - * Successive decisions of the Parades Commission have increased Protestant alienation and reinforced the effect of ethnic cleansing in a number of areas. One of the most inexplicable was the denial of permission to the non-sectarian Long March to traverse the centre of Lurgan in 1999.

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- * Marked disparity in funding levels for the Irish Language as against Ulster Scots.

RECOMMENDATIONS

FASTTVA recommends that the proposed Northern Ireland Bill of Rights include provision for the following:

- The empowerment of the police to pursue investigation into ALL murders and woundings involving terrorist activity, however long ago they may have taken place, whether or not the organisations concerned are ostensibly in a ceasefire situation, and whether or not those thought to be responsible are within the jurisdiction. Likewise, the Director of Public Prosecutions should be empowered to carry such cases through to trial. If a conviction results, the perpetrator should be made to fulfil the demands of justice in relation to his/her crime, in order that the victims of these crimes may obtain closure.
- The legal principle that an individual cannot profit by his/her own crime, and nor, by extension can his/her next of kin.
- Investigation into the part played by the government in the setting up of paramilitary organisations, and their use of informants generally and in entrapment situations.
- The award of compensation to victims and/or their dependents at similar levels to those applying in comparable countries such as the United States of America.
- The right to have compensation awarded since 1969 reviewed, using the circumstances of atrocities and resultant levels of compensation applying in other countries such as the United States of America as a benchmark.
- The right of surviving victims of terrorism, or as appropriate their next of kin, to receive full disclosure of all documentation connected with the security force investigation into the terrorist act that resulted in the death or injury.
- The right of surviving victims of terrorism, or as appropriate their next of kin, to be kept fully informed by the police of their progress in the preparation of a case against the suspected perpetrator of the terrorist act concerned, after arrest and charge.

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- The requirement of the Northern Ireland Human Rights Commission to conduct thorough and regular reviews into the representatives of its own personnel at all levels, and to take action to remedy any imbalance.
- The establishment of a “Northern Ireland Truth Commission” early in 2002, with provision for full and meaningful participation on the part of single-identity victims’ groups in its structure, membership and proceedings.
- In any decision-making process impacting on the rights and entitlements of the citizen, transparency in all the dealings of the quangos concerned, whether to do with appointments, proceedings or funding decisions. This would embrace such bodies including the NIHRC, the Arts Council, the Community Relations Council, the Parades Commission and so on, and would involve, for example, disclosure of minutes, funding statistics and reasons for decisions on application of all types.
- Recognition of the right of peaceful protest.
- Measures to foster parity in the distribution of public funding.
- Funding allocation to victims on the basis of established need and commensurate with their contribution to the community.