



Northern
Ireland
Office

Public Consultation

Addressing the Legacy of Northern Ireland's Past



Summary Document

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To read the full consultation document please go online to: www.gov.uk/nio or ask for a copy at your local library.

Introduction

More than 3,500 people were killed as a result of the Troubles. The hurt and suffering caused is still felt by people across Northern Ireland and beyond.

The Troubles affected lots of different people, including victims and survivors. People have been affected in different ways.

The Government is trying to find the best way to meet the needs of victims and survivors and to help people address the impact of the Troubles in the areas of information, justice and acknowledgement and help Northern Ireland transition to long-term peace and stability. We need to do this in order to support true reconciliation and healing at a societal level. This booklet explains some of the things that Government could do.

What do you think?

We want to know what you think. Please tell us by:

- Completing our survey online at:

www.gov.uk/nio

- **Writing to us at:**

Legacy Policy Team
Northern Ireland Office
Stormont House
Stormont Estate
Belfast
BT4 3SH



The consultation document may be available in other formats upon request.

If you have any queries,
you can email us at: legacyconsultation@nio.gov.uk

The consultation will close on **Monday 10th September 2018.**

Current ways to address the past

At the moment lots of different organisations investigate incidents related to the Troubles.

These include:

- The Police Service of Northern Ireland (PSNI) who investigate crimes to do with the Troubles;
- The Office of the Police Ombudsman for Northern Ireland (OPONI) who investigate complaints that the police have not behaved properly;
- The Coroner who holds inquests to find out who the deceased person was and how, when, and where they died.

There are problems with the current ways of working. These are:

- That it can be confusing;
- That it may make the suffering of victims worse;
- That it can be slow;
- That it can be costly;
- That it may not meet all the different needs of victims and survivors;
- That some people think the current way of working isn't fair.



Changes need to be made to the current ways of working for the sake of our future.

Stormont House Agreement

Legacy Institutions

The Stormont House Agreement was reached in 2014. It followed many weeks of talks between the five main political parties in Northern Ireland, the UK Government, and the Irish Government. It described a new way of dealing with what happened in the past that tries to put the needs of the victims and survivors first. This new way would mean setting up four new legacy institutions. The Government thinks that the legacy institutions are the best way to try to meet the needs of victims and survivors.

The four new legacy institutions would be:

- the Historical Investigations Unit (HIU)
- the Independent Commission on Information Retrieval (ICIR)
- the Oral History Archive (OHA)
- the Implementation and Reconciliation Group (IRG)

A new law would be needed to create these institutions.

A new law has been drafted as part of this consultation, for people to consider. The Irish Government have committed to passing their own legislation that will ensure they can give their full cooperation to the new institutions.

The institutions would:

1

Promote reconciliation;

4

Help people to seek justice and find out information about the death of their loved one;

2

Uphold the rule of law;

5

Meet human rights responsibilities;

3

Acknowledge the suffering of victims and survivors;

6

Be open, fair, balanced and proportionate.

The next sections in this document explain what each of these institutions would do.

Historical Investigations Unit (HIU)

The Historical Investigations Unit (HIU) would take forward outstanding investigations into Troubles-related deaths in the pursuit of justice.

The Historical Investigations Unit would be an independent institution. This means it would work separately from Government to investigate Troubles-related deaths.

The HIU would work in a way that is fair and the unit would have policing powers to carry out criminal investigations.

The HIU would investigate the following cases:

- Deaths that were part of the caseload of the Police Service of Northern Ireland (PSNI) Historical Enquiries Team (HET) and require further investigation;
- Deaths that are part of the caseload of the Office of the Police Ombudsman for Northern Ireland Historical Investigations Directorate (HID) and require further investigation;
- In addition to the cases above, Troubles-related deaths which happened in Northern Ireland between 11 April 1998

and 31 March 2004 and which have not been subject to appropriate review by the PSNI.

The HIU could also re-investigate some other cases. For example, if new evidence is found that could lead to someone being prosecuted.

The HIU would have a caseload of approximately 1,700 deaths and would aim to complete their work in 5 years.

The UK Government would have to give the HIU information it needed by law. The Irish Government have committed to passing their own legislation that will ensure they can give their full cooperation to the HIU.

Information could not be shared further if it would risk causing harm. For example, if it put someone's life at risk.

The HIU would normally investigate cases in the order that they happened.

The HIU would have a dedicated family support function to assist families through the process.

When the HIU have completed their work, families would get a written report and receive support from their family support staff member.

HIU will investigate Troubles-related deaths in the pursuit of justice.

Independent Commission on Information Retrieval (ICIR)

The Independent Commission on Information Retrieval (ICIR) would enable family members to seek and privately receive information about the Troubles-related deaths of their relatives in the pursuit of truth.

The ICIR would be an international institution set up by legal agreement between the UK and Irish Governments. The ICIR would help families find information about the deaths of relatives who were killed as a result of the Troubles. This would be done in private.

The ICIR would only look for information if asked to do so by families. Families who wanted to find information would be helped by staff members who would keep them up to date on their progress. They would be given a written report when the ICIR had completed its work.

The ICIR would not have policing powers and could not pass on any information that it received. Any person who provided information could still be prosecuted if evidence was found in other ways.

The ICIR would not release information that could risk causing harm. For example, if it puts someone's life at risk.

The ICIR would run for 5 years and would have offices in the UK and Ireland.



Oral History Archive (OHA)

The Oral History Archive (OHA) will allow victims to feel listened to. The OHA enables the therapeutic intervention of allowing voices to be heard by providing a platform for people from all backgrounds to share experiences and narratives related to the Troubles.

The Oral History Archive would enable victims and survivors to feel listened to. Other people would be able to hear and acknowledge the suffering endured by victims and survivors.

The OHA would collect recorded memories and stories about the Troubles in one place. The OHA would also gather information from existing oral history projects. They would make a historical timeline of the Troubles.

The OHA could be used by more people than any of the other new legacy institutions. Anyone who has been impacted by the Troubles could tell their stories for the archive.



The OHA would be set up by the Public Record Office of Northern Ireland (PRONI).



Implementation and Reconciliation Group (IRG)

The Implementation and Reconciliation Group (IRG) would be set up to promote reconciliation and anti-sectarianism. This means trying to rebuild relationships between communities and stop discrimination. It would also review and assess reports on the work of the other legacy institutions. The group would be made up of 11 members representing the UK and Irish Governments, and the 5 main political parties.

After 5 years a report will be produced for the IRG on themes and patterns identified in the work of the other legacy institutions. The report would be produced by academics and would be independent. It would be based on information from the legacy institutions and look into issues that have come up in their work.

The IRG would promote reconciliation to help build a better future.



Other legacy actions in the Stormont House Agreement

The Stormont House Agreement also included other ways to help meet the needs of victims of the Troubles.

These will be carried out by the Northern Ireland Executive and do not form part of this consultation. They include:

- Making sure victims and survivors can access high quality services;
- Making sure people can access advocate-counsellor assistance;
- Setting up a Mental Trauma Service;
- Finding a way to support severely physically injured victims in Northern Ireland through a pension;
- Making sure that inquests have better outcomes for victims and survivors and continue to meet human rights responsibilities.

How to respond to this consultation



Northern
Ireland
Office

This consultation is being carried out by the Northern Ireland Office. We want to know what you think.

Please tell us by:

- Completing our survey online at: www.gov.uk/nio



- Writing to us at:

Legacy Policy Team
Northern Ireland Office
Stormont House
Stormont Estate
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BT4 3SH

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If you have any queries, you can email us at:

legacyconsultation@nio.gov.uk

If you need assistance in responding to this consultation, a number of organisations may be able to assist you.

The Victims and Survivors Service provides support and services to victims and survivors in the areas of health and wellbeing, social support and advocacy support through a network of community providers.

You can contact one of the organisations supported by the Victims and Survivors Service using the link below:

www.victimsservice.org/find-support-in-your-area/



Or contact:

Victims and Survivors Service

1st Floor, Seatem House,

28-32 Alfred Street

Belfast, BT2 8EN

Telephone: 028 90 279 100

Email: enquiries@vssni.org

The Commissioner for Victims and Survivors has a statutory duty to give advice to Government on things that affect victims and survivors in Northern Ireland.

If you have questions about the policy covered by this consultation, you can contact the Commission for Victims and Survivors at:

4th Floor, Equality House

7-9 Shaftesbury Square

Belfast, BT2 7DP

Telephone: 028 9031 1000

Email: commission@cvsni.org







This easy read document has been produced by CHANGE
www.changepeople.org