***Legacy: What to do about the Past in Northern Ireland?***

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**HOUSE OF COMMONS**

**PORTCULLIS HOUSE, THATCHER ROOM**

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Welcome and my thanks to Kate Hoey and our speakers.

The issue today is the Bill - all 120 pages of it.

Brutally, it is now about Killing the Bill. It is valueless and it is better if it does not proceed.

The conference we held in March, and the consequent Legacy proceedings book launched today, expose the terrible legal failings in the Bill and the huge political dangers in it for almost everybody.

Much of the Bill, as I know from my involvement, is the American diplomat Richard Haass’s work, despite the DUP’s initial rejection of his report. Sadly it is now worse than Haass intended. In truth he nearly cracked parading but was well meaning, trying to please everyone. He ended up mostly serving the NIO’s needs to get and keep Sinn Fein on board the so-called peace process.

The result is the HIU, creating a police force of the past, which is particularly pernicious and was opposed then by my party and still is. The Stormont House Agreement is a misnomer. It is a deal between two parties and two governments and vulnerable for that reason.

[Neil Faris will deal with the HIU]

Forgetting the legal and moral issues which later expert speakers will cover in more depth, the proposals are neither effective nor efficient. The outcomes in terms of value are minimal.

For the cost of even setting up the series of bizarre structures in the Bill, the needs of seriously ill and harmed victims could be met, as well as an effective mental health PTSD centre.

I must here note the sad passing of Mr Zaoui Berezag, an injured victim of the 1996 Docklands bomb whose loving daughter Rajaa and her companion I met and showed around Belfast City Hall earlier this year. He will not be able to benefit from the long postponed pension which could be legislated through a private members Bill here at Westminster, if there was a will.

Officials accept that the 5-year timespan for the bodies and the £150 million cost is fanciful. Conservative estimates are now 12 years and £400 million. I believe it would be 20 years and £600 million at least.

Someone at the Legacy conference said 500 years, and they could be right as there are several key areas not covered in the plethora of bodies to be created in the legislation.

They are inquests and Strasbourg Article 2 compliance cases, not to mention civil suits, all of which will proceed before, alongside and after these bodies.

If they were included, particularly inquests, in an all-singing and all-dancing process, as they could be if government had the courage to take on Strasbourg and Belfast lawyerdom, the Bill might be worth considering. But they aren’t nor will they be.

Every inquest can and will be re-opened, particularly, once the MI5 and security files are handed over by London and new evidence in the form of allegations of never-defined-collusion are adduced in their hundreds.

The agreement by London to hand over all the files to the new bodies like HIU is breath-taking. We believed during Haass that was the one concession London, indeed any government, would never make.

They have, with safeguards, that will be breached day and daily.

Let nobody be in any doubt, every single Troubles killing of the 3,600 to date, when viewed through the prism of ‘new evidence’ i.e. details on state agents, informants, let alone ineffective investigations can be subject to review and a further inquest and a further Strasbourg case.

None the less, some sort of limits have to be legislated if any system can work efficaciously.

We now have war through legal politics, which is preferable, but it does not mean you surrender.

I know Strasbourg having won a case there. I also know it is our Supreme Court. Its judgments more recently are out of synch with the European norm which was its centre of gravity.

They can be challenged if London had the will. Look at prisoners voting. How many years is it since the UK was told to give some prisoners, even just one, the vote. And Labour joined with the Conservatives on that question. The punishment has not yet been imposed nor will it ever be.

Have Russia and Turkey changed their colossally anti-democratic and illegal ways despite a myriad of judgments? Are they still members of the Council of Europe?

Look at the Italian crucifixes in schools case which was rapidly reversal when sufficient Orthodox countries lined up against it.

I am an historian and have written extensively on Roger Casement who helped start the IRA. He was hanged in Pentonville in 1916 and came home to Dublin in 1965 to a lying-in-state and an enormous funeral.

Collins was feted in London before the ink was dry on the Treaty. De Valera became a statesman admired and feared as he hanged IRA men.

But the IRA campaign from 1970 was genocidal as well as sectarian - a war crime for its length, if nothing else. It was not the two year struggle of the 1920s.

Rewriting history is what it is all about – creating historical equivalence between the campaigns of the security forces and the IRA.

That will not happen while those here who favour genuine justice and human rights can still put pen to paper. Legal equivalence is however present in very large part.

But Sinn Fein and a majority of Catholic voters in Northern Ireland will not agree that the IRA campaign was wrong. That is a political reality, yet they do want an absence of war. Anyway their voters’ minds are now concentrated on gay marriage and the lack of Northern Ireland abortion law reform. Issues that can be met, here.

Share power, give respect but don’t advance the crimes committed in the terrorists’ name.

It has to be noted some form of drawing a line has support from prominent Catholics, and surprising legal figures - John Larkin, the Attorney General, Barra McGrory the former DPP, Peter Sheridan a former Deputy Chief Constable of the RUC, and sadly the late and highly esteemed civil servant Maurice Hayes.

Maybe they see the future being only the past in legal and political terms and just how corrupted the legal system has become.

Why must Westminster legislate for this issue? Let the reality be now faced. The Stormont Assembly can’t and won’t. We have exported any difficult legislation, be it welfare reform, legacy and, hopefully, gay marriage and abortion.

The alternatives come later. We are willing and able to provide them.

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