

West Tyrone Voice (WTV)

'ON THE RUN'S'/AMNESTY - JANUARY 2008

Introductory:

West Tyrone Voice finds itself appalled that any group of responsible persons should even contemplate a move to redefine what has been visited on us as a 'war,' not a terrorist campaign, which is what it really was/is, and to grant an 'amnesty' to terrorist murderers. It fills the innocent victims of terrorism with revulsion and outrage. Some have suggested that you were 'flying a kite' to ascertain the response from the Northern Ireland community to such a suggestion. If so, that is nothing but a 'cheap stunt' that has re-traumatised victims, shows total disregard for them and their feelings, completely discounts what has been visited upon them by republican terrorists, is designed to sanitise the evil deeds of terrorists, suggests a move to re-integrate them back into society without their having paid for their terrorist crimes, and shows how much out of touch you are with what is happening on the ground, especially amongst victims and what they need.

Since there has been no clear public denial of these suggestions, and even accepting that such a denial was to be given, its credibility would be suspect since your group has been appointed by a government that has an unmistakable pro-republican prejudice. Surely the group should voluntarily stand down immediately, resign in toto, and make it clear that it is not going to be pressurised into promoting government and pro-republican/pro-terrorist agenda.

West Tyrone Voice is outraged at this current attempt to legitimise terrorism as an acceptable means of dealing with political issues, and at the very thought of amnesty being granted to these murderers. Such a suggestion does not have the support of WTV and ought not to be included in your recommendations. Victims have suffered more than enough, and this latest insult, headed up by two 'churchmen,' has added to their suffering, and inflicted a 'second wounding' on them. Promoting republican terrorist agenda is certainly no way of dealing with the legacy of the past. Innocent victims *are* the legacy of the four decades of terrorist violence, and Northern Ireland will only recover from the past and current nightmares when victims are dealt with properly. This will include, though not be confined to, a total and immediate cessation of insulting language and attitudes towards these victims, and the adoption of a measured and appropriate use of inclusive *and* differentiating language.

I would like to see the members of this group resign immediately with shame and feelings of disgrace. This would probably be the best contribution they can make to this debate. But since this is very unlikely to happen, we make the following points.

Key Points:

- 1 Political forgiveness, or amnesty, is a questionable alternative and has benefits only for the terrorist perpetrators, but leaves victims 'out in the cold' and with the feeling that there is no justice for them, that they have not been treated fairly and well, and that the entire business has left them re-victimised and considered as worthless. The decision to grant political forgiveness to terrorist perpetrators sends out a very clear message that the victim is of little or no moral worth - that he or she does not have to be taken into account. Political agendas influence and often determine the response by the judiciary to all wrongdoing, including atrocities perpetrated against innocent civilians. It appears that where political agendas predominate, retributive justice is cast aside. So far as the political interest groups that have terrorist connections are concerned, the appeal of political forgiveness, or amnesty, is "often irresistible."
- 2 When the State grants political forgiveness to terrorist perpetrators this action exonerates the law-breaker and 'trashes' the victim. In order to do this, the State is obligated to contravene international law that requires "genocide, war crimes and gross violations of human rights" to be punished through the criminal justice system. Where States debate and consider this as an option to resolving 'conflict,' they come to no clear conclusion as to the best way forward. It is extremely important that at this consultation, these suggestions are roundly **rejected for good**. It is of interest to note, however, that where this policy has been embraced, perpetrators have walked free, and their victims left devastated.
- 3 Since it is the State that grants political forgiveness to those whose often-unmeasured reaction to perceived State wrongs placed them outside the law, it appears that whereas the ordinary people in any State can and do live with the imperfections of that State, terrorists cannot and will not accept this.
- 4 Redefinition of what a crime is lies at the heart of amnesty thinking. Since a terrorist murdered an innocent civilian, be it a police officer in a civilian police force, an off-duty soldier (who is also a civilian, according to the Geneva Conventions and Protocols), and does it for political reasons, his crime is regarded as being different from any other murder,

and alleviates the crime of some of its worst associations. This is morally and legally indefensible.

- 5 From a victims' perspective, this kind of reasoning has the effect of disinfecting the criminal activity of any moral element, reducing it to an amoral act and the hurt this causes to victims is incalculable.
- 6 To describe murder by terrorists, and other gross violations of human rights, as "political" is to offend the sensibilities of those who suffered at the perpetrator's hands. It is also an attempt to 'defend the indefensible.'
- 7 The idea of "political offence" gives a certain level of justification to the crime that was committed, and draws a distinction between such a crime, and other 'ordinary' crimes. Included in this is the idea of leniency for those who committed a political crime, but severity for those ODCs (ordinary decent criminals) who are brought before the courts. It indicates that there is one law for political criminals, and another, more severe law for non-political crimes. It creates a hierarchy of crimes, and if a criminal was fortunate, (or unfortunate) enough to belong to a terrorist organisation, he has the assurance that if he is caught 'in the act' or thereafter, he has political expediency and pragmatism on his side.
- 8 In what sense was it a "political offence" to murder families as they did their shopping, were at the homes, attending church, or were doing their normal everyday tasks? It is a typical ploy of the terrorist mindset and their supporters to stretch language to breaking point.
- 9 To attempt to justify, or even to excuse, criminal activity on the basis of re-definition is to engage in the antics of Lewis Carroll, when one of his characters said that when he uses a word, he takes it to mean whatever he wants it to mean, no more or no less. Such a use of language, at its best, is simply ridiculous, and at its worst borders on the immoral.
- 10 From a victims' perspective, natural law demands that crimes must be adequately punished, not excused by linguistic acrobatics. In fact, international law demands that this is exacted. Practitioners in the field argue that 'there is no peace and no reconciliation without punitive justice.' Whilst some may argue that punitive justice is not the most effective way of dealing with serious crimes, it does have the merit of satisfying some of the needs of the victims - at least to some extent, and prevents them seeking revenge outside the law. It also has the merit of acting as a deterrent to those who would consider breaking the law.

- 11 It was quite disingenuous for the Roman Catholic Church in Brazil to support the granting of amnesty to perpetrators of heinous crimes, but to then go on and say that it did not want this to mean or imply *amnesia* - forgetfulness, oblivion. The distorting influence of Lewis Carroll's maxim in this Latin American church is quite obvious, given the etymology of the noun in question. It is for this reason that victims find it impossible to divorce a word from its true meaning. Why speak of amnesty at all if it is not intended that criminal violence that abuses human rights can be set aside as lightly as that?
- 12 There is the fear that once amnesty has been granted, there will be a further call from IRA/SF to have the resultant criminal records expunged forever for those who disclosed their murderous crimes.
- 13 This issue was not included in the Good Friday Agreement/Belfast Deal in 1998. Therefore, it provides proof that Provisional IRA terrorists are being rewarded for holding on to most of their weapons until the autumn of 2005.
- 14 Yet again, the burden of pain and suffering of the political concessions to Sinn Fein/IRA falls on those who have already suffered most over the last 40 years - the innocent victims of terrorism.
- 15 It will re-traumatise the victims and their families whom these people have murdered or tried to murder. There is already evidence from trauma counsellors working on the ground that this is already happening.
- 16 The amnesty idea confirms the Republic of Ireland as a terrorist safe haven otherwise this legislation would not be necessary. Thirty-five years of sheltering terrorist murderers has been given political justification within the current proposed legislation.
- 17 The legacy of this proposal is that murder, intimidation and terrorism have been proven to be successful.
- 18 The proposal extinguishes any hope of justice and truth and peace for the innocent victims of PIRA/Sinn Fein terrorism. This includes the families of all the British Mainland Servicemen who were murdered or maimed over the past 35 years.
- 19 It leaves a generation of young people believing that violence pays and that there is no punishment for murder. This is an extremely dangerous precedent in today's world where terrorism is rampant world-wide.

- 20 It is political interference into the human right of natural justice for victims and it is direct political interference into the criminal justice system which flies in the face of the unwritten British constitution which legislates for separation of powers between Government and the Judiciary.
- 21 The proposal will neutralise the cold case reviews into the 1800 unsolved cases of murder currently being undertaken by the PSNI. This has been confirmed by a vague statement issued by the former Secretary of State, Mr Hain, saying that subjects, if convicted, will serve **no time** for their crimes.
- 22 While not acceptable, no mention of compensation for the murderers' victims has even been suggested. While no one wants blood money, it would have been expected that any political deal on this issue would have prompted suggestions of compensation from the Republic of Ireland Government to alleviate pain caused by this issue. Yet the utter contempt and disregard shown for the victims on this issue beggars belief.
- 23 The former Secretary of State, Mr Hain, said he understood the real concerns of victims and said, "sometimes undesirable things had to be done in the interest of conflict resolution". Mr Hain, on this subject, **does not understand** anything about the current trauma and future repercussions of this proposal. Why does he not visit Victims Groups and individuals to discuss the issue and try to understand the real problems with this issue?
- 24 This proposed amnesty risks vulnerable people perhaps being tempted to take the law into their own hands as these fugitives are outlaws and the proposal leaves people helpless and without any hope of justice. For too long, paramilitaries have filled the vacuum and used emotion, fears and vulnerable people for their own ends. This proposal seriously increases the risk of trans-generational violence from victims' families who see any hope of justice extinguished in this way.
- 25 This proposal further undermines the current political process. It deepens divisions, re-open wounds, increases the perception that the process is a one-way street for terrorists and sets back the date of a peaceful resolution of the terrorist-inspired conflict.
- 26 This proposal will undermine genuine, long-term positive cross border/cross community work. It humiliates those trying to build a better future for this Island and our children.

- 27 An amnesty totally undermines and humiliates terrorist victims groups in Northern Ireland and individual victims from Northern Ireland and the Republic of Ireland by the two Governments' interference in attempting to airbrush this safe haven issue into history by political interference in the judicial system.
- 28 It will increase bitterness and hatred on the streets in towns and villages all over Northern Ireland. Everyone knows someone murdered by 'on-the-run' terrorists and knows who the cross-border fugitives are. This legislation will increase fear, tension and bitterness and isolate the victims of such atrocities even further from the current political process.
- 29 It has potential to lead to further violence in Northern Ireland by murderers coming back into an area with unresolved issues - they are still a threat. Many of these fugitives were serial killers and mass murderers. By coming back there is a serious risk they would re-offend in the current unstable atmosphere prevailing in Northern Ireland.
- 30 The terrorist fugitives still are of a mind-set that they were right to murder people for a so-called political objective, a united Ireland. This mindset and their inability to understand the full impact of the harm they have caused will have a destabilising impact on any community or society they return to. Their disruptive behaviour can only lead to a negative outcome from such a proposal.
- 31 With recent reference to the Columbia Three case, this proposal is simply an attempt to cover up the current terrorist safe haven that the Republic of Ireland has always been. It is a known fact that currently Al Qaeda and other international terrorists view the Republic of Ireland as a soft-touch and safe haven to plot and plan their terrorist strategies. This proposal is an attempt to wipe the slate clean of 35 years of brutal Sinn Fein/IRA terrorism.
- 32 The proposal for an amnesty for these terrorists who have not served a day in jail, is morally wrong and cannot be justified or excused in any circumstance.
- 33 It makes a moral equivalence between the actions of the law enforcement agencies and terrorist criminals - totally unacceptable. Given that there are NO security force members 'on the run,' this proposal is irrelevant to them. Further, the number of security force members who have committed criminal acts is extremely small compared with the number of terrorists who did likewise. Therefore, there are massive benefits for

terrorists, which very thing this proposal is designed to provide, but none for the security forces.

- 34 The proposal will also reduce the security forces to the level of "terrorists."
- 35 To re-write history by re-defining what has been visited upon us for the past four decades as "war," is evidence of government pressure on the consultation group, pressure that interestingly is in line with republican demands of a few years back. This is wrong and unacceptable.
- 36 If this had been a "war," the terrorist campaign would not have last beyond 1972. It was not a 'war' but a campaign of genocide and ethnic cleansing on a considerable scale. The mass exodus of Protestants from the west bank in Londonderry also supports this contention, it being the biggest movement of people in peace time anywhere in Western Europe.
- 37 If this had been a 'war,' there would have been many bodies of terrorists lying about everywhere, and sadly, innocent civilians would also have been killed; but there would also have been many lives spared, including that of my youngest brother.

*Submission prepared by J. E. Hazlett Lynch.
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