

# Facing *our* Past to Create *our* Vision of *our* Shared Future

## Proposals of the Consultative Group on the Past Eames Bradley Report

Bronagh Hinds  
Community Dialogue

# Consultative Group on the Past

- Appointed by the Secretary of State in June 2007
- Co-chaired by Lord Robin Eames and Denis Bradley
- Eight members
- International Advisors
- Extensive consultation

# Public Desires

- Desire for reconciliation, truth and justice
- Desire that such a conflict should never happen again
- Desire for a way of dealing fairly with the outstanding legacy of the past
- Desire that the legacy of the past, and dealing with it, should not dominate the future

# Underpinning Principles

- The past should be dealt with in a manner that enables true and lasting reconciliation rather than division and mistrust
- Dealing with the past is a process not an event and must be allowed to evolve
- Sensitivity towards victims and survivors is essential
- Recommendations should be human rights compliant
- Relationships matter and are the foundation for reconciliation
- Consensual agreement is the ideal

# Key Issues for Society

- Division
- Reconciliation
- Information and Truth
- Moral Assessment
- Sectarianism
- Victims and Survivors
- Trauma

# Key Issues for Society

- Communities
- Young People
- Those with convictions
- Exiles
- Collusion
- Declaration of non-violence

# Remembering

- Conducted from the perspective of our common humanity
- All of society should be encouraged to remember
- The entire burden should not be on victims and survivors
- Perspectives of one sector of society should not be given precedence over another
- People must be free to participate in the form of remembrance most appropriate to them.

Storytelling

Day of Reflection

Memorials

# Storytelling

- Process to facilitate individual and societal healing and to break the cycle of conflict
- Listening as well as telling
- Accept it is important for all to tell their stories
- Each can decide how and when to turn this into active listening and understanding
- Tell story freely in private and omit information in public
- Oversight of stories in the public domain to avoid prosecution and retaliation
- Not used to fit political agenda

# Day of Reflection and Reconciliation

- 21 June
- Private day evolving to include more public events
- Supported by government, churches and private and voluntary sectors
- Public commitments to peace by key organisations and statutory bodies
- First and deputy First Minister keynote address together to Assembly and invited guests
- Should not replace established and localised events
- Guidance to help initiatives organise remembrance for a shared and reconciled future without taking away from sense of community and symbolism

# Memorials

- A shared memorial should remain under consideration
- Criteria for working towards a memorial conducive to reconciliation:
  - Direct people to the future, in particular a shared and reconciled future
  - Commemorate the impact of the conflict on all of society and need not be prescriptive by including names or categories of people to be remembered
  - Be respectful of the past and the sacrifices made by many in society whilst also looking forward

# Memorials

- A living memorial
- An uplifting structure
- Commemorates the past without glorifying it
- Demonstrates how our society has changed
- The issue of sharing space needs further thought before a shared memorial can be created
- Public memorials commemorating a particular group or community should take into account the perspectives of those likely to encounter the memorial

# A Reconciling Society

- Reflection entails responsible self-acknowledgement: considering wrongs we have done to others or things we could have done differently as well as wrongs done to us.
- Responsibility for the conflict lies with every sector of society and a shared and reconciled future can only be achieved by active cooperation and participation by society as a whole.
- ***A reconciling society is defined less by divisions of the past and more by the potentials envisaged for the future. It takes collective responsibility for the past instead of attributing blame and avoiding responsibility.***

# Bodies for Reconciling the Past

- Legacy Commission
- Commission for Victims and Survivors
  - V & S Forum
- Reconciliation Forum
  - Legacy Commission
  - Commission for Victims and Survivors
  - Community Relations Council
  - Other bodies as necessary

# Legacy Commission

- Statutory independent Commission
- Mandate for 5 years beginning late 2010
- Commission Chair - International Commissioner with responsibility for Society Issues & Bursary Scheme
- Commissioner for Review and Investigation
- Commissioner for Information Recovery and Thematic Examination

# Legacy Commission Strands

- Build a shared and reconciled future through engaging people in addressing Society Issues arising from the conflict
- Review and Investigation of historical cases
- Conduct a process of Information Recovery
- Thematic Examination of issues arising from historical cases or the conflict as a whole

# Strand 1 Society Issues

- Address sectarianism
- Promote remembering activities
- Work with young people
- Provide improved service to meet healthcare needs attributable to conflict
- Ensure that economic benefits are experienced in deprived areas
- Ensure that exiles can return home through a repatriation programme

# Strand 2 Review & Investigation

- Take over historical enquiries from the PSNI and the Police Ombudsman
- Review cases
- Conduct further investigation as necessary
- Establish if reasonable prospect of obtaining sufficient evidence for prosecution
- Commission will recommend to DPP whether a prosecution is in the public interest
- If no referral to DPP, reviews and investigations will be 'completed' in accordance with clear criteria and procedures

# Strands 3 & 4 Information Recovery & Thematic Investigation

- Neither will be activated until decision of ‘completion’ in any review or investigation
- Use formal and informal means to seek answers to unresolved questions and bring measure of resolution to victims’ families
- Cases of particular concern or linked by circumstances or that touch on a theme will have thematic investigation
- Power to compel production of documents (both)
- Power to compel witnesses (thematic)

# Information Recovery & Thematic Investigation

- Balance the interests of victims' families and the interests of society when deciding how any case is handled
- Information Recovery only, agreement of the next-of-kin
- Linked or Thematic Investigation for the wider benefit of society – families' views taken into account but express agreement not required
- No public hearings
- Examination of witnesses by Commission only
- Statements made will not be admissible in criminal or civil proceedings
- Recommend an apology or other measures

# Purpose of Information Recovery & Thematic Investigation

- Gain information and understanding
- Identify what went wrong and where
- Look at overall accountability
- Facilitate the emergence of truth
- Promote the process of reconciliation
- Encourage apology where appropriate
- Build a shared and reconciled future

# Commission on Victims and Survivors

- No partisan interference or pressure
- Respond to shortfalls in services and longer term funding issues for victims and survivors
- Promote better interaction between groups and a strong interface between groups and the statutory sector
- Victims and Survivors Forum
- Reach beyond victims and survivors to challenge those in wider society not to neglect their role in remembering
- Convene the Reconciliation Forum

# Reconciliation Forum

- Analyse activity undertaken to address issues
- Consider the need for further activity to address gaps and make most impact
- Give advice to Government and other policy makers
- Advise on strategies to enable targeting of need and promotion of best practice
- Advise on development and delivery of services
- Decide on priority areas and influence others to take these into account in their policy development and allocation of resources

# Legacy Commission Challenges

- Truth & Justice - complete truth may be unattainable, but may be possible to recover information important to families and society
- Public Inquiries – no further public inquiries
- Immunity from Prosecution – information to Commission without fear of prosecution but no general immunity
- Amnesty – no general amnesty but further consideration at end of mandate
- On the runs – recommendation at end of mandate
- End of mandate – recommend how a line is to be drawn under the past

# Transparency & Accountability

- Legacy Commission will keep families informed of progress and answer questions
- Produce reports to families who engage with Commission
- Publish regular reports summarising cases – details of particular cases with family consent
- Publish public reports after Thematic Examinations
- Annual reports to British & Irish Governments, OFMdfM, Assembly, British-Irish Council, key stakeholders

# Questions: Society Issues

- Has the document dealt with the past in a sensitive and constructive way?
- Has the report adequately taken into consideration the needs of victims/survivors?
- Are the suggestions such as storytelling, Day of Reflection and memorials adequate for the process of remembering?

# Questions: Legacy Commission

- Is a Legacy Commission the appropriate structure in dealing with the way forward?
- Are there other challenges that are not dealt with in the document?
- Do you see the idea of a Reconciliation Forum, which is adequately resourced, as a positive step forward in tackling sectarianism and racism?

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