



ADDRESSING THE LEGACY OF
NORTHERN IRELAND'S PAST
PUBLIC CONSULTATION

EXECUTIVE SUMMARY

October 2018

Ulster Unionist Party and Legacy Consultation - Executive Summary

The Ulster Unionist Party believes that the structures for dealing with legacy contained in this consultation are fundamentally and structurally flawed. They will not provide truth or justice, they are not balanced or fair, they will not give a clear unbiased historical narrative and they will do nothing to help with reconciliation.

We believe that the current system for dealing with the past is not working. Change is necessary but it must be an improvement, be workable and also deliver what this society needs. We have serious concerns about a number of aspects of the legacy proposals. In our submission we also make reference to our concerns regarding the operation of the Independent Commission on Information Retrieval, Oral History Archive and the Implementation & Reconciliation Group, but our main concerns relate to the Historical Investigations Unit (HIU).

We simply cannot stand by and permit the rewriting of history or the promotion of a narrative that at its core has the sole intent of undermining the State and the security forces, in order to suit a republican agenda and appease the IRA. The rule of law must not be sacrificed in times of peace to appease the terrorists and their apologists. We need to recognise the existing imbalance. Terrorists have been able to avail of early release from prison; received Royal Prerogatives of Mercy or Royal Pardons for premeditated crime including murder between 1998-2002, and over 200 people were also given so-called 'letters of comfort' by the Blair Government.

The lack of credible historical records from terrorist groups – republican and loyalist - inevitably means the focus of investigations will fall on the State and its actors, because the State, the Police and the Army all routinely kept operational records which can be accessed.

A former Justice Minister is quoted as saying the HIU 'might at best produce one or two prosecutions' raising the fundamental question as to why we need a parallel police force under the direction of an all-powerful independent director, with the same powers as the PSNI in terms of arrest and investigation?

The proposed HIU will only examine 1,700 fatalities out of a total of over 3,500 deaths and will do nothing for the 47,000 victims who were injured as a result of terrorist activity including 15,000 bombings. Incredibly and shamefully, none of the injured will be taken into account by the proposed HIU. Where else in the world would attempted murder not be seen as a serious crime worth investigating?

HIU will re-examine every killing by British military personnel and members of law enforcement agencies. But it will not re-examine every killing where British military personnel and members of law enforcement agencies were the victims. It will however investigate 'non-criminal police misconduct' which is essentially a catch all clause and indeed it even has powers to go after former officers who are now dead!

The PSNI is the police service that all five main political parties support, at least in public. In dealing with legacy we believe that it should be properly resourced to the level envisaged by the Stormont House Agreement, staffed to the level envisaged by the Patten report and supported by government legislation that will stop vexatious complaints or endless judicial reviews by some who are using the legacy of the Troubles to line their pockets.

In summary, the Ulster Unionist Party has little or no confidence that the proposed legacy arrangements will in any way help achieve the Bill's stated principle that the approach to dealing with Northern Ireland's past should be '*balanced, proportionate, transparent, fair and equitable*' and therefore we cannot support them.

ENDS