

MEDIATION NORTHERN IRELAND

Address by

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to a Conference at

Tilburg University, the Netherlands, 11 MARCH, 2008

ON

**STANDARDS FOR ASSISTANCE TO VICTIMS OF TERRORISM
IN THE EUROPEAN UNION**

**“THE ROLE OF RESTORATIVE JUSTICE AND VICTIMS OF
TERRORISM FROM A PRACTITIONER’S PERSPECTIVE”**

A project funded by the European Commission, promoted by the European Forum for Restorative Justice in cooperation with the International Victimology Institute Tilburg, with the support of the Catholic University of Leuven, the Centre for the Study of Terrorism and Political Violence (University of St. Andrews, UK) and Victim Support Netherlands.

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INTRODUCTION.

I am staying at the Auberge du Bonheur, a nice hotel in the woods near here. Apparently, these woods were planted in the style of those at Versailles. I stood looking out my window early this morning. Tall trees swayed handsomely in the wind.

It is said that in Ireland in ancient times it was possible for a squirrel to swing from branch to branch from the northern coast of Ireland to its southernmost tip without having to touch the ground, so densely was the island covered by trees. Yet today, we are the most deforested part of Europe.

The Ice Age was a big culprit. Tree upon tree fell upon the earth and, packed together over millennia, they formed bog across much of the land. For hundreds of years, human inhabitants have dug the bogs for turf, a natural fuel formed by dead trees in the ground. 'Bog oak' is richly prized as a material for sculptors.

The much-loved poet and philosopher, John O'Donoghue, died in January. Last week I heard a recording of him reflecting on the Ice Age and the land suffocating under hundreds of feet of pack ice: dark, brown and dominant, lying heavily upon the earth.

Conflict in modern Ireland, another of our natural phenomena, is at least 800 years old. Each era of disturbance has added layer upon layer of trauma within our people. Layer upon layer of trauma.

According to the literature which I have been reading this past couple of days, experts here at Tilburg University reassure us that 'resilience' is the greatest factor determining the human response to the trauma caused by violence; that most human beings have sufficient natural resilience to deal effectively with trauma without significant professional assistance.

I am inclined to agree that people have tremendous reserves and a lot of healing and recovery takes place naturally.

In this respect, professionals need to have humility – a value of Restorative Justice, according to the theorist Christopher Marshall – we must be careful not to construct a regime of restoration whereby what starts as an attempt to improve services to victims ends up with guidelines mutated into regulations, all governed tightly, and suffocated, by E.U. bureaucracy.

I would like to tell you a series of stories, all focused on the cathedral in my home town of Newry where every Saturday I now sing in a choir at evening Mass.

THREE STORIES

The First Story: Ryan's Birthday.

The choir I am in is made up of adults and teenagers. A couple of weeks ago, one of the young people, Ryan, had a birthday.

‘What age are you?’ I asked. ‘Fifteen’ he replied, with a broad smile. At the sign of peace I wished him a Happy Birthday and after Mass he went off with his friends to the Blue Print pizza restaurant, which did not exist when I turned fifteen.

I stepped out of the church and into the dark of the night now coming on. A man was waiting to speak to me. I have known him for a long time and he is now in his early seventies, though very fresh and fit. I shall call him John.

‘You have a new job (as a Commissioner for Victims and Survivors). Congratulations’, said John. Then he asked me to help him to get a certain piece of information about the death of his brother, shot dead across the street from the church by British soldiers in October, 1971, one month before my fifteenth birthday.

In the days following the shooting of John’s brother and two other young men, our town was convulsed by riots as the local community vented its rage at wanton killing by soldiers.

Here I stood in February, 2008, aged 51, outside the church, in the dark with John, now in old age but still very emotional at the memory of his brother’s murder 36 years previously. As I drove home I thought about my experience of being fifteen, overshadowed by violence and social trauma engulfing the world around me, a darkness that would settle and percolate for much of my life. And I felt glad for Ryan in his smiling innocence, unwittingly enjoying the optimism of the present times, his times.

When I was fifteen, 14 people were shot and killed by British paratroopers at a Civil Rights march in Derry. That was 30 January, 1972, known as Bloody Sunday. Over the past few years the British Government has funded an enquiry into the controversy of Bloody Sunday. It is estimated to cost £200 million and is expected to report soon on its findings, 36 years after the event.

Back in 1972, two weeks after the killings in Derry, a large Civil Rights demonstration was planned for our town. Tens of thousands of people gathered to march, their sense of injustice heightened by the murder of fellow protestors. And, as a fifteen year old awakening to the trouble in the society around me, I wanted to join the protest.

But my father feared for my safety. We had an argument about whether I should march on the streets. He said if I went to the march it would be without his blessing and, reluctantly but out of respect for him, I stayed at home.

Again, thinking of my young chorister friend, Ryan, he does not know such arguments. He is not reacting to violence erupting around him. Dilemmas about how best to respond to injustice are not forming part

of his teenage years. Such stories are history to him. They are not lived experience.

However, in Northern Ireland, history is very much a living thing; a sense of grievance gets passed from one generation to another. Hurts of the past, especially those that have not been assuaged by the Justice system and those not validated by critical others, are passed on as part of the national inheritance: at once a gift and a burden as each generation comes of age.

The Second Story: Father Thompson.

During the 1980s a priest came to work in our parish. I shall call him Fr. Thompson. His brothers had joined the IRA and, as he once observed, he was the only one of the family's sons who had not been sent to prison. One of his brothers died at the hands of under-cover British soldiers on the border (with the Irish Republic).

On one of my birthdays, Thirty Something, as I served soup to my two little sons I looked out our window at a Wessex helicopter carrying British soldiers over the countryside near our house. The helicopter would have landed a few miles further on, dropping the soldiers to do a foot patrol on the road. On that particular day, a land mine killed a couple of those soldiers.

Next morning at Mass, Fr. Thompson prayed for six Jesuits who had just been killed in El Salvador but did not mention the soldiers murdered within miles of the church the previous day.

I waited outside for him and challenged his omission. In reply, he said that to single out particular kinds of local deaths would be unhelpful because different parishioners would have different views about who should receive special prayers.

I went away frustrated and bemused.

Some years later, I had a different experience of Fr. Thompson.

Two young men were told by the IRA to leave our town or be shot. They were alleged to have been engaged in repeated acts of anti-social behaviour and had alienated many in their local community.

At someone's suggestion, the two youths sought protection from the Catholic Church. They took up residence in a meeting room at the cathedral, claiming the ancient right of sanctuary. Their plight quickly became a national and international story with much attention being given to the Church authorities, now caught between two youths, their families and supporters on the one hand and, on the other, the IRA, which had passed a sentence on the men.

As a local peace activist I felt duty-bound to try to help resolve the situation.

After visiting the young men and their supporters holed up in the cathedral, I met with other peace activists from my parish with a view to organising a candle-lit vigil outside the church, to repudiate the threat against the two men. To my surprise, I was advised that there would be no groundswell of support for the men among the local community; stories of their alleged misbehaviour were widely accepted on the ground; the community would not stand up for them. The view was that they should simply get out of the cathedral and leave town.

Although my efforts were going nowhere, priests at the church noticed my visits to the young men. They asked me to help by going between the priests and the young men and their families.

Over a period of days I found myself working most closely with Fr. Thompson, a man I viewed with some scepticism but now engaged as a partner.

My contribution was to design a formula to end the stand-off; Fr. Thompson's strength was his family name and, on account of his brothers, his capacity to engage the attention of the IRA. We combined our talents to try to resolve the situation.

One night, while working late with Fr. Thompson, he received a phone call from his mother who was worried about him in the light of press stories about his role in the 'sanctuary' story.

After his mother's phone call, he talked about his family for a while and I asked him about his family's experience of trauma. He recalled the night when his brother had been killed by a unit of the British army. He had tried to reach his brother's body to administer the Last Rites of the Catholic Church but was denied access by soldiers and detained. As a priest in the Catholic tradition, being refused the privilege of blessing his dead brother's body had only added to his pain.

He also told me of the night a man called at the Parochial House where he lived with other priests. After admitting the stranger, Fr. Thompson discovered that he was actually looking for him and, fortunately, he saw that the man had a gun and, so, he did not identify himself. All through a long night the man sat waiting opposite Fr. Thompson who pretended to be another priest. Fr. Thompson feared that at any moment the man would recognise him and pull the trigger. Towards dawn the man appeared to tire of his mission, put the gun in his pocket and left, his anger assuaged by his long conversation with the priest.

These stories of the priest conveyed something of his own personal traumas to me. I could see that he was loved by his family; that he

loved them in return; that he felt a deep affinity to his brothers because he was their brother, regardless of them being in the IRA and engaged in what the wider world views as terrorism. One brother shot dead, another brother in prison for many years.

Towards the end of the sanctuary episode – which, by the way, ended when the boys’ advisors counselled them to reject the formula fashioned by myself and the priest and instead they very publicly took flight from the town – Fr.Thompson came to me, concerned because a newspaper had got hold of my name and he had tried to keep my identity out of the media in order to protect me. His care for my welfare impressed me.

My experience of working with this man was an example of what happens when people who have been at odds with each other in a situation of conflict are enabled to meet as human beings. When the truth of each other’s experience is revealed through human contact, we see each other less in dualistic terms – where one person is simply right and another person is simply wrong. We see that, in reality, life is much more complex.

Although my views and those of the priest remained distinctly at odds, we were both affected by a new regard for each other. Out of such regard grow new possibilities for eventually reconciling differences.

The Third Story: the Butcher Shops.

In the streets around Newry cathedral there has always been a large number of butcher shops. It has been a common sight to see men in butcher’s uniforms on the street.

In 1986, members of the IRA used a side doorway of the church to disguise themselves as butchers. They emerged from the cathedral grounds and, walking up to a police car parked nearby, they shot three police officers dead.

Two nights later, I was sitting in the family home of one of the dead. I had gone to the house with a small group of fellow parishioners from Newry; we were there to apologise as people from the community out of which had come violent death; to express our sympathy; to connect with other human beings in a moment of intense grief and suffering; to try, somehow, to lessen the alienation of another stricken family towards the community of our town.

One of the relatives simply could not understand the circumstances of the death: how it could be possible for the attackers to prepare themselves in the doorway of a busy cathedral, unnoticed by passers-by; how they could advance on the police car without anyone trying to warn of their approach. It seemed that in her grief, this relative viewed

my community as culpable, not just those who had shot the police officers.

With my local knowledge of the design of the cathedral and its secluded side entrances and, also, my understanding of the fear that seemed to paralyse ordinary people living with violent conflict, I tried to impart some degree of insight but I felt like a slender bridge stretched precariously between two estranged worlds: the world of the stricken police family and the world of my local community, who were unable to counter a violence that had taken hold over us.

Like the trees that formed the bogs of Ireland, each act of violence has stood stubbornly erect within a forest of pain before eventually wilting under the winds of time and falling into the ground of our history and culture where, blended with numerous other acts of violence layer upon layer over hundreds of years, has helped to form our society's DNA and, thereby, influenced the evolution of our instincts, personality and character.

The importance, then, of projects such as this conference and the accompanying report and guidelines which are here offered to the E.U. for the assistance of victims of terrorism, the importance of this work is to begin engaging the debilitating legacy of political violence which compromises the moral integrity of society and continues to affect the welfare of victims and their families across generations.

VICTIMS OF TERRORISM

There is an implicit moral clarity about the recommendations and guidelines which are presented for consideration at this conference. However, such clarity appears to run contrary to the complexity which I believe is illustrated by my stories.

I should note that despite the complexity of political violence, in the Northern Ireland situation there are people for whom the issues are indeed clear. For example, for a significant group of relatives of dead police officers and soldiers the only legitimate victims are those of terrorists. In their view, there is no comparison between a police officer who was murdered while doing his/her duty and a terrorist who went out with the intention to murder and was killed in the process.

For another set of families and support organisations, their loved ones were victims of State violence – victims of illegal and immoral behaviour by police, army, intelligence agencies and paramilitary death squads sponsored by the State.

So, at least in the Northern Ireland situation, 'victim' is a contentious word. There are deeply held but contradictory views about who is

entitled to be treated as a victim and for some people certain victims viewed as more deserving than others.

A further point of interest is the concept of 'survivor'. Many people who have suffered from violence prefer to see themselves as survivors. Indeed, in the Northern Ireland situation I would contend that we have a considerable number of victims but everyone who has lived through an era of violent conflict is now a survivor. Survival contains a host of challenges around the wounds and injuries being carried by a society coming out of prolonged conflict.

Alongside the phenomenon of Terrorism is the twin phenomenon of Counter Terrorism.

And, like Terrorism, Counter Terrorism creates victims.

In June, 2006, Police in London received a tip-off that a so-called 'dirty bomb' (a chemical bomb) was being prepared by Islamic terrorists in a house in the Forest Gate housing estate which has a substantial Asian population. 250 officers took part in the early morning raid on the house in question, the home of an Asian family. 12 officers wearing special chemical suits and breathing apparatus entered the home and arrested two brothers. In the melee, police shot and wounded one of the brothers. Their father was taken to hospital with a suspected heart attack.

Police laid siege to the Forest Gate estate for two days, while extensive searches were carried out. Movements in or out of the estate were severely restricted. The local health centre and other important services were unable to function and the life of the local community was totally disrupted. The Police were accused of being heavy-handed but authorities said the raid was justified for reasons of security.

However, the community's sense of alienation was intensified when no bomb was found and the two brothers were eventually released without charge. The whole episode appeared to be a false alarm; a mistake.

Last year I facilitated a simulation exercise for authorities in Burnley, a town in the North West England, aimed at bringing together police officers, public services and civic and community leaders to imagine a Forest Gate scenario occurring in their area and to consider how best to reduce the negative impact on community relations.

The longer the 'war on terror' goes on within European societies the more complicated life will become; the more the home communities of terrorists or, worse still, innocent people accused of being terrorists experience the sharp end of police and security operations at grassroots level, the more such communities will develop their own sense of 'victimhood', not just from terrorism but from counter terrorism. After

a period of time, people either forget who started the cycle of violence or simply get confused about its origins.

In Northern Ireland significant numbers of people believe that we suffered three decades of terrorist violence.

However, significant numbers cannot accept this view as an adequate explanation of the phenomenon of political violence. They refer to the complicity of the State in violence and, equally, to our society's collective responsibility for repeated political failure which, in turn, breathed life into terrorism.

In the Northern Ireland situation, people viewed by others as terrorists tend not to view themselves as terrorists or their activities as 'terrorism'. They speak of 'armed struggle'; of fighting a war; they were 'paramilitaries', 'volunteers' and, in many cases, eventually, 'political prisoners' in 'prisoner of war camps', not criminals held in prisons.

So we see, thus far in my reflection on the Northern Ireland context, that the concept of 'victims of terrorism' is contentious and, even, divisive as a term around which people cannot always unite to deal with the legacy of violence.

One could, perhaps, use the word 'conflict' instead of 'terrorism', suggesting that, whatever people's political allegiance or opinion about who should be considered a victim, individuals and communities on all sides suffered because of a violent conflict.

Indeed, some practitioners speak of 'ex-combatants' in their efforts to promote dialogue between former police officers and soldiers and members of paramilitary organisations.

However, other sections of our society resent such terminology which they see as political correctness and a fudge of an essential truth: that police officers and soldiers upheld the law while paramilitaries operated outside of it; that the security forces of the State sought to maintain order while paramilitaries created mayhem; that, above all, innocent citizens, who were in the wrong place at the wrong time, suffered most. In this view, the term 'conflict' suggests that we had two sides equally waging war, operating under the same rules, each with a similar sense of honour.

Against this background, one must temper one's expectations about the potential for restorative justice.

RESTORATIVE JUSTICE.

Restorative practices started in earnest in Northern Ireland in the mid 1990s as a pragmatic response to the need to find alternatives to paramilitary punishment beatings, shootings and exiling of mainly young men who were viewed as guilty of anti-social behaviour and various acts of nuisance within their communities.

In many instances, people in inner-city communities who were estranged from the Police looked to paramilitaries to impose sanctions against young offenders and other individuals causing outrage in neighbourhoods.

However, as the political situation progressed and the transition from violence began to take root, paramilitary organisations became open to new, less extreme approaches to community justice.

As the 1990s progressed, community activists were exposed to the thinking of people like the American Mennonite, Howard Zehr and discovered that they were actually practising restorative justice. Restorative Justice provided a conceptual framework for community-based practice that was beginning to emerge.

While community-based Restorative Justice schemes were evolving, State sponsored projects also took form. However, these sometimes had difficulty engaging grassroots community people.

Meanwhile, the State was suspicious of those community schemes which excluded the Police and, so, withheld funding from them.

Consequently, Restorative Justice became a point of contention between politicians. In the light of political developments around policing, community based schemes now co-operate with the Police and the State is, in turn, relaxing its guard towards the community projects.

However, Restorative Justice remains tainted by political controversy. Therefore, any proposal which connects Restorative concepts to work with victims will need to be sensitive to enduring suspicions on all sides.

Notwithstanding these difficulties, it is worth visiting Restorative Justice in relation to victims of political violence.

The kernel of the concept is a triangle: a victim who has been harmed; an offender who needs to be held accountable; a community that needs to support the victim and hold the offender to account.

During the Troubles in Northern Ireland, our Justice system, as an integral part of the British Criminal Justice system, was retributive. As such, the State, known as 'the Crown', took possession of the official hurt, taking it away from the victims. Court proceedings involved a case being made against an offender by the Crown, the State.

The Good Friday Agreement of 1998 included the State making peace with republicans and loyalists and as an extension of the new consensus, most republican and loyalist prisoners were freed within two years.

Thus the relationship between the State and individuals imprisoned for serious offences reached a kind of reconciliation; it became a restorative relationship.

This development re-awakened a deeper, more personal, relationship: between 'offenders' and victims which, for many, had lain dormant or had existed in deference to the official relationship between prisoners and the State. With the State and political offenders now reconciled, many victims felt a renewed sense of grievance and an enduring sense of injustice is felt by sections of the victim constituency.

With political peace taking root, more and more people feel safe to raise things from the past; to revisit past traumas and seek answers and explanations for the harm done to them.

In Northern Ireland now, we are on the frontier between a troubled and violent past and a new, uncertain future.

As an approach to Criminal Justice, the Restorative paradigm assumes a distinct victim and a distinct offender. However, in the Northern Ireland situation, many people have multiple identities, being both victim and offender.

We are coming out of a conflict with no clear winners or losers. Everyone has compromised. Old hurts remain unresolved and how we deal with the Past has the potential to break the delicate consensus that now exists between erstwhile enemies.

It is important to note that during the long years of violent conflict there was little scope for a restorative approach. It is as if Restorative Justice becomes possible when the violence has stopped and communities are not being provoked by daily outrages or are inhibited by the threat of further violence.

In my view, restorative concepts can usefully inform the process of justice and of healing.

However, sustaining peace and promoting long term reconciliation across a whole society is a multi-dimensional effort which is wider than the task of assisting victims. Victims are a part of a much bigger picture and they are best assisted by a strategic outreach across the whole of society.

A concern I have about this project's recommendations is that they are tactical rather than strategic.

People are familiar with the story of the man seen on a beach littered with thousands of starfish washed up by the tide. The man walks along the beach lifting single starfish and throwing them back into the sea. A bystander observes that the man's actions are futile; after all, there are still thousands of starfish on the beach. What difference does he make? The man replies that to each starfish that is returned to the sea he makes an important difference.

However, in my experience as a peace activist, there came a time when I grew weary of responding to individual starfish; when I became dissatisfied with servicing the repetitive human consequences of our society's violence. In a sense, I became more interested in the tide and in addressing the factors which caused the tide to throw so many starfish upon the shore.

Thus, for example, I was less interested in applying my energies to the case of one member of the public alleging mistreatment against an individual police officer and more interested in addressing the culture of policing; in systemic engagement of the Police service.

I well remember sitting in the living room of a young woman who had just been made a police widow when her husband was killed in an explosion the previous day. She pleaded with me and my companion to do something for her dead husband; to hold a peace vigil and mark his death in some way. But there came a time when I wanted to do more than organise vigils and hold candles in the dark street.

In personal terms, I like to think that my small contribution to the development of systemic peace-building in our society has been my way of addressing root causes of conflict and division; of challenging the direction of the tide rather than simply caring for its victims.

Therefore, I would wish to express some concern that in the recommendations presented to this conference by the Tilburg/Leuven group, you are tending to focus on the starfish and not thinking enough about the tide.

Restorative Justice involves an understanding that justice is based upon right relationships. The best antidote to terrorism and its menacing threat within the European Union is for each E.U. state to mature as an integrated society made up of cohesive communities.

An integrated society is one in which diversity is utilised, not just celebrated; where difference and variety are seen as a resource not as a threat.

In cohesive communities traditional bonds between citizens and neighbours are strengthened and maintained.

A cohesive community responds quite naturally to support those afflicted by violence. It delegates less to professionals because it feels responsible for the care of its members.

Above all, in a cohesive community people are self-confident; people know each other and accept on trust the things they do not understand about each other.

On such solid ground, the strength of community diminishes the dangers posed by violent extremists.

An integrated society is a collection of such communities, generating national coherence and maintaining balance.

Working in support of integration and cohesion is a fundamental way of assisting victims; of preventing citizens from the ordeal of victimhood; of 'victim prevention' rather than limiting one's efforts to 'victim care'.

Restorative Justice applied to societal conflict is concerned with the long haul process of reconciliation. This includes such tasks as managing enmity between those embittered or estranged from each other by their experience of violence and addressing root causes such as the social and economic injustices which breed extremism in the first place.

BUILDING PEACE

I would perceive four key responses of European governments to terrorism:

1. Counter Terrorism – through surveillance, intelligence gathering and operational engagement of terrorists.
2. Security – maintaining professional and public vigilance for the prevention of attacks.
3. Care of Victims – attending to those who suffer at the hands of terrorists or whose predicament stems from political violence.
4. Building Peace – promoting new relationships between those who live in enmity or who are estranged.

I would expect that the first two responses will command the greatest resources and while they are important, they are much less likely to address root causes than the long term work of peace-building.

Moreover, victim voices are an important potential component in building peace.

In peace-building the philosophy of Non-Violence provides a spiritual foundation, believing, as it does, that justice is promoted or defended by serving truth, with compassion.

Mediation in the service of societal peace is concerned with ‘reaching the other’; embracing those whom many view as obnoxious; befriending the terrorist as well as the State.

Mediation can be a bridge from the mainstream of society to those who live beyond its margins and believe in using violence to effect political change.

Since such engagement can be viewed as collusion with evil and as disloyal, it is important that mediators be given special licence to go between all sides and sources and their credibility will depend on whether they are viewed by all as non-aligned.

The recommendations contained within the Tilburg/Leuven report propose the development of structures and mechanisms for assisting victims of terrorism. They infer that people will be trained to provide services.

However, given the long term nature of the phenomenon of terrorism, stretching into the future of the world order and of Europe, it is essential to sustain this work across the next generation. This raises the question of how to sustain a long term capacity to assist victims.

The Tilburg/Leuven report cites Howard Zehr’s assertion that Restorative Justice principles are only useful if their underlying values are upheld, particularly the core value of respect for all human beings.

But where do these underlying values come from?

I would contend that values such as respect for all human beings are themselves an expression of spirituality. By ‘spirituality’ I do not necessarily refer to a relationship with God. Rather, I believe that the spiritual person is in touch with the source of their own creativity, whether that source originates within themselves or is fed by a Creator.

A spiritual perspective on conflict, on violence, on victimhood and on survival is the greatest insurance against the danger of concentrating too much on the ‘physics’ of service provision. A spiritual outlook, whether religious or humanistic, understands that the essence of peace-building occurs within the ‘chemistry’ of relationships; especially new relationships between people who are divided or estranged.

Let us remember the common denominator of all sides of violence, within the perpetrator as well as their victim, is humanity.

I will end with the words of Tarthung Tulka:

“Like the sun which emits countless rays, compassion is the source of all inner growth and positive action”.

Brendan McAllister

11 March, 2008