

Statement to Parliament: Debate on the armed forces and investigation and prosecution of historical cases

Mr Speaker, I am grateful to the Right Honourable Member for North Belfast and his colleagues for bringing this motion to the House today and for initiating this very important debate.

So can I be clear from the outset.

Operation Banner, as the House is aware, lasted for nearly 30 years.

It was the longest single continuous deployment of the Armed Forces in British military history.

During that period over 250,000 people served.

The Armed Forces and the RUC combined lost over 1,000 men and women to terrorism. There were over 7,000 awards for bravery. And the Royal Ulster Constabulary was rightly awarded the George Cross.

So as this Government's Northern Ireland manifesto at the last election made clear, "we salute the remarkable dedication and courage of the Royal Ulster Constabulary and our Armed Forces in defending the rule of law and in ensuring that the future of Northern Ireland would only ever be determined by democracy and consent."

Quite simply without their contribution what we know today as the Northern Ireland peace process would never have happened.

All of us, across this House and throughout our United Kingdom, owe them a huge debt of gratitude.

Just as we owe them an enormous debt for the work and sacrifice they have made in other parts of the world referred to in the motion before us, in Kosovo, in Iraq and in Afghanistan.

Wherever they operate we quite rightly regard our Armed Forces as the best in the world.

The Government asks them to put their lives on the line in order to defend us and our way of life.

In return they rightly expect the fullest possible support from the Government.

And that is something that this Government, through my RHF the Defence Secretary and his colleagues, is determined to provide.

We will never accept any kind of spurious moral equivalence between those who sought to uphold the rule of law and the terrorists who sought to destroy it.

For us, politically motivated violence in Northern Ireland was never justified, whether it was carried out by republicans or loyalists.

We will continue to reject attempts to place the state at the heart of every atrocity or somehow to displace responsibility away from those who carried out terrorist attacks, namely the terrorists themselves.

And we will not accept attempts to denigrate the contribution of the security forces and seek to give any kind of legitimacy to violence.

But being the best in the world does mean operating to the very highest of standards. We expect nothing less and I know that our Armed Forces would not have it any other way.

As the Noble Lord Stirrup put it in a recent debate in the Other Place, "The need to act lawfully is not a side consideration for the Armed Forces; it is an integral part of the ethos and training."

We believe in the rule of law and the police and Armed Forces are charged with upholding the law. They cannot operate above it or outside of it. Where there is evidence of criminality it should be investigated without fear or favour.

But in our view what characterised the overwhelming majority of those who served was discipline, integrity, restraint, professionalism and bravery.

And we should be proud of them.

Mr Speaker, as my Right Honourable Friend the Prime Minister also made clear in the House yesterday, it is also appalling when people try to make a business of dragging our brave troops through the courts.

In that context the motion before the House welcomes the Government's decision to wind up the Iraq Historic Allegations Team following the Solicitors' Disciplinary Tribunal hearing, and the consequent decision to strike off Phil Shiner.

This called into question the credibility of a large number of the IHAT's remaining caseload ... which will now revert to the Royal Navy Police.

To be clear, the Government has a legal obligation to ensure that criminal allegations against the Armed Forces are investigated.

But we also remain determined to ensure that our legal system is not abused ... as it clearly was by Mr Shiner ... falsely to impugn the reputation of our Armed Forces.

And we should all support the decisive action taken by my Right Honourable Friend the Defence Secretary in this case.

Mr Speaker, as many RH and HMs are well aware, addressing the legacy of the past has been one of the most difficult issues since the Belfast Agreement nearly 19 years ago.

What is clear today, as today's debate highlights, is the current structures in place are simply not delivering for anyone, including victims and survivors on all sides who suffered most during the Troubles.

The rawness of the continuing pain and emotion of families and survivors is stark.

And yet the need to make progress in this area is clear.

The legacy of the past continues to cast a shadow over society in Northern Ireland.

It retains the ability to destabilise politics.

And it has the capacity to be used by those who wish to fuel division promote terrorism to achieve their objectives.

Of course people are always going to retain their own views on the past, which will be shaped by their own experiences of it.

I acknowledge that that the Government's view of the troubles will not be shared by everyone and vice versa.

But where we should strive to reach consensus is on the structures needed to address it, and in a way that helps move Northern Ireland forward.

The inquest system was not designed to deal with highly-complex often linked cases involving large amounts of highly-sensitive material.

The Office of Police Ombudsman has to deal with historical allegations of misconduct rather than focusing on cases today.

The PSNI has to devote substantial resources to dealing with legacy cases when I know that they would prefer that it be spent on policing the present.

And taken as a whole, I recognise concerns that the current mechanisms focus disproportionately on cases involving, or allegedly involving, the state.

As a result leaving many victims of terrorism feeling ignored.

None of this is to criticise any individuals, not least the police and prosecuting authorities, all of whom uphold the law independently of government.

I support them in their difficult work.

Rather it is a recognition, which is widely accepted, that we need new and better structures for addressing these issues.

The status quo is not sustainable.

The Government has a duty to seek better outcomes for victims and survivors.

And we need legally robust mechanisms that enable us to comply with our international obligations to investigate criminal allegations.

The [Stormont House Agreement] was arrived at in December 2014 following

eleven weeks of intensive cross party talks with the UK Government, the five largest parties in the Northern Ireland Assembly and the Irish Government on matters falling within their responsibility.

The Agreement contained the most far reaching set of proposals yet for addressing the legacy of Northern Ireland's troubled past ... the Historical Investigations Unit, the Independent Commission for Information Retrieval, the Implementation and Reconciliation Group, and an Oral History Archive.

A number of different options were discussed during those talks.

Amnesties were quickly dismissed by all the participants and are not the policy of this Government.

We believe that the so called legacy bodies set out in the Stormont House Agreement continue to provide the most effective way to make progress on this hugely sensitive but hugely important issue.

Delivering the Stormont House Agreement, including the legacy bodies, and also reforming legacy inquests was a key Northern Ireland manifesto pledge for the Conservative Government at the last election.

And we remain committed to this.

But in doing that I am also committed to the need to ensure that former soldiers and police officers are not unfairly treated or disproportionately investigated.

That is why any legislation we bring forward will explicitly set out that all of these bodies, including the Historical Investigations Unit (HIU), will be under legal obligations to operate in ways that are fair, balanced and crucially proportionate.

Terrorists were responsible for 90 per cent of all deaths in the troubles and any investigative processes have to reflect that.

Its caseload will also contain some of the most notorious atrocities resulting in the deaths of our Armed Forces, such as at Warrenpoint in 1979 and Ballygawley in 1988.

The HIU will look at cases in chronological order, meaning that it will be unable to prioritise cases involving the state above those involving terrorists.

Any legislation establishing the HIU would include specific tests which must be met in order that a previously completed case is reopened for investigation.

This will mean specifically that new and credible evidence that was not previously available to the authorities is needed before the HIU will re-open any closed case.

We are looking at ways of ensuring that where prosecutions do take place terrorists are not treated more favourably than former soldiers and police officers.

And the bodies will be time limited to five years, ensuring that this process will not be open ended thereby helping Northern Ireland to move forward.

Mr Speaker, turning the Stormont House Agreement into detailed legislation has been and continues to be a long and necessarily complex process.

But a great deal of progress has been made in building the consensus necessary to bring legislation before this House.

And I believe that with hard work on all sides the outstanding areas of disagreement are bridgeable.

In September, I signalled my intention to move the process to a more public phase.

I had hoped that this would have taken place by now, but a continuing lack of consensus and then the political situation at Stormont have delayed that from happening.

But I remain committed to giving the public a say on these proposed bodies – and to building confidence in them from across the community.

So I want to take that forward as soon as possible after the Northern Ireland Assembly election a week today, so that we can make progress quickly.

But any approach to the past must be fair, balanced and proportionate.

It must have victims and survivors at its heart.

And it must be consistent with our obligations to those who served and in too many cases sacrificed so much to bring about the relative peace and stability that Northern Ireland enjoys today.

This is a damp squib from a Tory Party who have no solutions to the problems they have created in the justice system – Burgon

Richard

Burgon MP, Labour's Shadow Justice Secretary, responding to the Government's Prison and Courts Bill, said:

“While

there are some welcome proposals, overall this is a damp squib from a Tory Party who have no solutions to the problems they have created in the justice system

“We were promised the ‘biggest overhaul of prisons in a generation’ but there is no plan to deal with understaffing and overcrowding – the two biggest challenges facing the prison system.

“A duty on prisons to reform is of course welcome. But without a plan to back it up, this is simply a symbolic gesture.

“Labour is open to Governors having greater autonomy, but this must not become a way for Ministers to simply shift responsibility for their policy failures elsewhere.

“And the Chief Inspector of Prisons has already queried whether league tables could be meaningful.

“Preventing cross examination of victims of domestic violence by the perpetrator is welcome. However, the Tories’ reckless cuts to legal aid have greatly contributed to this unacceptable situation.”

[The Tories’ immigration policy is a complete mess – Abbott](#)

Diane Abbott MP, Labour’s Shadow Home Secretary, responding to the release of the latest migration statistics, said:

“The Tories’ immigration policy is a complete mess. Despite their claims, they are still nowhere near to achieving their unworkable target.

“The Tories blame the EU for this, but EU and non-EU long-term migration are the same, and each of them is way over 100,000 by themselves. The ONS are clear there was no statistically significant fall in net migration numbers.

“The only significant drop was in international students, who enrich our education system and the wider economy and whose decline will make us all worse off.”

[These findings from the BMA are a stark wakeup – Blomfield](#)

Paul

Blomfield MP, Shadow Brexit Minister, responding to a BMA report that reveals more than four in ten European doctors are considering leaving the UK following Brexit, said:

“Labour has been warning the Government for months now that its failure to guarantee the status of Europeans living and working here is not in the national interest.

“These findings from the BMA are a stark wakeup call about the consequences of this uncertainty for a health service already at breaking point.

“The Government must act urgently and guarantee the status of Europeans – for our health service, for our economy and to create goodwill amongst our future negotiating partners.

“It’s failure to do so is an act of self-harm.”

[The Road Investment Strategy is beginning to look like a wish-list rather than a deliverable plan – Andy McDonald](#)

Andy

McDonald MP, Labour’s Shadow Transport Secretary, responding to Transport Secretary Chris Grayling’s refusal to commit to delivering schemes in the Government’s Road Investment Strategy at today’s Transport Questions, said:

“The

Office of Rail and Road report into Highways England showed the Government's Road Investment Strategy to be in chaos. The agency are over budget, behind schedule and serious doubts have been cast on whether promised investment will be delivered on time, if at all.

"The Road Investment Strategy is beginning to look like a wish-list rather than a deliverable plan to improve England's road network. The government must reassure the public that promised works won't be cancelled or delayed, and they should explain how they will guarantee road users' safety following their failure to manage investment in England's roads."