

## Opinion – Northern Ireland’s ‘Dirty War’

Written by Martin Duffy

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MARTIN DUFFY, MAR 15 2024

The recent release of Peter Taylor’s documentary *Our Dirty War: The British State and the IRA* looks at those who were brutally interrogated by state forces and paramilitary enforcement units during Northern Ireland’s Troubles. Taylor sheds fresh light on the families of informers, or those labelled informers, who suffered enormously (and often silently). Invariably when we direct our sympathy to the innocent civilians in this bitter sectarian war, we negate the memory of those who suffered disproportionately and also in stigma. Commentators remind us that whatever the blinkered morality of a “dirty war”, it cannot hope to lessen the suffering of family members. The hatred of those deemed traitors is common to conflicts around the world, but ultimately the families of all victims mourn their tragic loss. State actors and the paramilitary dead of the Troubles are remembered in ‘rolls of honour’, stone memorials, commemorations and events. The families of informers or suspected informers have little community support, no political support and were forgotten by the state. Particularly in republican areas, a state agent in the family was a mark of shame.

Operation Kenova into the activities of the IRA’s spy catcher Freddie Scappaticci gave these families some hope of finding out the truth when it was launched in 2016. For example, Johnny Dignam, abducted and murdered by the IRA along with two other men in 1992 was almost certainly a victim of Freddie Scappaticci. There can be little doubt that Scappaticci, head of PIRA internal security, known as “the nutting squad” was ruthless. It has been suggested by clinical experts that Scappaticci was most likely a psychopathic killer. We now know he was also a British army agent who, it is believed, was responsible for killing other state agents, possibly with the knowledge of his handlers.

Taylor’s interview with Claire Dignam is difficult to watch. Remarkably, Claire says she has forgiven the IRA killers of her husband. “I have to forgive to live,” she says. She questions whether Johnny was passing information to the British but if he was, rather than help her after his death, the British army tried to recruit her as informer in a cynical assumption that she’d want to get back at republicans. Taylor later pointed out to the viewer that to prevent their own voices being heard on the tape, the IRA interrogators banged a pan on the table to instruct the condemned man to begin his confession. It is like something from the Khmer Rouge.

The background to Taylor’s reportage is the release of the initial version of the Kenova report, costing £40 million and taking some seven years to date. Its chief author (and now PSNI Chief Constable) Jon Boucher spoke of regret around the murder of GAA official Sean Brown, and that his family had been ‘failed’ by the establishment following the collapse of an inquest. Mr. Boucher has pledged “unfettered and unredacted access” to police files around the murder for a public inquiry or a new body established by the Legacy Act. Preliminary inquest proceedings have already heard that in excess of 25 people have been linked by intelligence to the murder, including several state agents. It has also been alleged in court that surveillance of a suspect in the murder was temporarily stopped on the evening of the killing, only to resume again the following morning. Mr Boucher continued:

For me, and legacy is something that is very close to my heart, this is again us, the establishment, the institutions failing those families. My heart goes out to the Brown family, and I want to make very clear that Mr Brown was a man who had never done any wrong, he was an innocent member of the public going about his lawful business, a decent law-abiding man who was murdered by terrorist thugs.

If there was any such inquiry set up, the PSNI would cooperate with that inquiry and will provide that inquiry with all of

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the information, unfettered access to absolutely everything that we have collected with regards the Sean Brown case, that includes all of those files that were redacted. They will get those unredacted files.

Peter Taylor’s book, *Operation Chiffon: The Secret Story of MI5 and MI6 and the Road to Peace in Ireland* takes us inside the top-secret intelligence operation whose roots go back to the bloodiest years of the conflict in the early 1970s, involving officers from MI6 and, later in the 1990s, MI5. Drawing on interviews and Taylor’s fifty years of covering the conflict, the book narrates in first-hand detail how those involved risked their careers, and their lives, to help secure the fragile peace that exists today.

However, perhaps it is time now to look with fresh eyes since Kenova compels us to question the entire basis of dealing with the past. Boucher is hinting at new investigations similar to the Historic Investigations Unit recommended in the Stormont House Agreement, but controversially rejected by the present government. However he doesn’t write off the inquiry powers of the Legacy Commission that replaces the end of due legal process, if it compliant with the European Convention on Human Rights. As a challenge to intransigence from the MI5 and elements of the PSNI, Boucher recommends wider disclosure from state records by making the judgement that the main security threats have now been overcome.

He also indicates that the Public Prosecution Service has limitations. No bespoke legacy division exists as part of PPSNI akin to, for example, the specialist Counter Terrorism Division (CTD) at the England and Wales Crown Prosecution Service (CPS). PPSNI has not had the funding to deliver the legal process to achieve best and timely outcomes for families in Northern Ireland. Boucher also advocates apologies from both the British government and the Republican movement. This is surely also due from the so many of those with historical links to the conflict.

It would seem that we are entering a new chapter in which Northern Ireland’s grisly past will be further regurgitated, and probably without tangible outcomes.

The Kenova report’s primary recommendations are as follows:

- They seek to establish, on a statutory basis and with express statutory powers and duties, an independent framework and apparatus for investigating Northern Ireland legacy cases.
- They recommend to subject all public authorities to an unqualified and enforceable legal obligation to cooperate with and disclose information and records to those charged with conducting Northern Ireland legacy investigations under a new structure.
- They seek legislation to provide procedural time limits enforced by judicial case management to handle cases passing from a new legacy structure to the criminal justice system.
- They suggest to address the resourcing and operating practices of PSNI in connection with Northern Ireland legacy cases.
- They suggest that the 21st June, should be designated as a day when we remember those lost, injured or harmed as a result of the Troubles.
- They suggest to review, codify and define the proper limits of the NCND policy as it relates to the identification of agents and its application in the context of Northern Ireland legacy cases pre-dating the GFA.
- Review the security classification of previous Northern Ireland legacy reports in order that their contents and (at the very least) their principal conclusions and recommendations can be declassified and made public.
- PSNI should pay due regard to the views, interests and well-being of victims and families when considering the public interest factors relevant to prosecution decisions in Northern Ireland legacy cases.
- The United Kingdom government should acknowledge and apologise to bereaved families and surviving victims affected by cases where an individual was harmed or murdered because they were accused or suspected of being an agent and where this was preventable or where the perpetrators could and should have been subjected to criminal justice and were not.
- The republican leadership should issue a full apology for PIRA’s abduction, torture and murder of those it accused or suspected of being agents during the Troubles and acknowledge the loss and unacceptable intimidation bereaved families and surviving victims have suffered.

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### **About the author:**

Martin Duffy has participated in more than two hundred international election and human rights assignments since beginning his career in Africa and Asia in the 1980s. He has served with a wide range of international organizations and has frequently been decorated for field service, among them UN (United Nations) Peacekeeping Citations and the Badge of Honour of the International Red Cross Movement. He has also held several academic positions in Ireland, UK, USA and elsewhere. He is a proponent of experiential learning. He holds awards from Dublin, Oxford, Harvard, and several other institutions including the Diploma in International Relations at the University of Cambridge.