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EXPERT COMMENT: Bloody Sunday: as former British soldier faces murder charges, Northern Ireland still divided by legacy of violence

Connal Parr, Lecturer in Humanities at Northumbria University discusses Bloody Sunday and the charges faced because of this day.

A [former British soldier](#) is to face trial for the murder of two unarmed civilians, and the attempted murder of two others in Derry/Londonderry on “Bloody Sunday” in January 1972. While the soldier, known as “soldier F”, will be prosecuted, the Public Prosecution Service deemed there was “insufficient evidence” to charge another 16 former soldiers for the deaths of 13 people, and two men from the official Irish Republican Army (IRA).

The landmark decision emphasises once more the primacy of the past in Northern Ireland and the difficulties in coming to terms with the legacy of conflict.

It’s been a hectic period for investigations and prosecutions related to what’s known as Northern Ireland’s “Troubles”. In early March, the Republic of Ireland decided [to allow the extradition](#) to Northern Ireland of John Downey, accused of involvement in the 1982 Hyde Park bombing which killed four soldiers. In February, an inquest was also opened into [the Birmingham pub bombings](#) of November 1974, and the Supreme Court declared that a previous investigation into the killing of Belfast solicitor Pat Finucane [failed to meet the necessary standards](#) under human rights law.

The decision to prosecute the soldier also comes amid an increasingly vexed Brexit process, ongoing [paramilitary activity](#), and an incident in early March

when letter bombs were posted to London sites, including Waterloo train station and Heathrow airport, from a Dublin address. A group previously known to the authorities as the “New IRA” [claimed responsibility](#) for sending the explosive devices.

Every day, local newspapers in Northern Ireland carry reports devoted to the Troubles: from atrocities being or not being investigated, to controversial [commemorations](#) of Republican and Loyalist actions. The Unionist News Letter went as far as to publish a “legacy” series in 2018, with the purpose of challenging what Unionists regard as [“imbalance”](#) against British state forces in how the past is officially addressed.

Politics of the past

The problem in Northern Ireland is that each side regards the past competitively and as part of an ongoing political dispute. It is the lifeblood for the two largest parties, the Democratic Unionist party (DUP) and Sinn Féin.

Sinn Féin wants justice for victims of “collusion” – between British security forces and Loyalist paramilitaries – and those who died at the hands of British security forces during incidents such as Bloody Sunday, but not for the [1,700 people](#) who died from IRA violence. The DUP, on the other hand, wants more Republicans (or “terrorists”, as they term them) to be investigated for past atrocities and [members of the security forces to be spared](#).

In early March, secretary of state for Northern Ireland, Karen Bradley – commonly regarded in a packed field as the worst secretary of state ever to serve the people of Northern Ireland – stated in the House of Commons that killings by British troops were [“not crimes”](#), and that the British Army’s general conduct was “dignified and appropriate”. Understandably, this led to immediate calls for her resignation. Unionists then [turned on her](#) when she apologised for her comments.

Many in Northern Ireland’s little political echo chamber are unaware of groups of former servicemen in England who are becoming increasingly active in response to suggested trials and prosecutions of British troops. This hardens into public comments such as those from a former paratrooper that Bloody Sunday was a [“job well done”](#). It is a lobby, surfacing through some veterans campaign groups, that is sure to grow in volume, numbers and anger.

There are a number of ways in which the past might be addressed beyond the current [“piecemeal”](#) approach of prosecuting certain one-off cases.

In 2018, the UK’s Northern Ireland Office issued an open consultation to hear views on the issue, garnering a staggering [17,000 responses](#). Its published recommendations range from an increased role for the current [criminal justice system](#), to an “oral history archive” (first properly outlined in a [2014 report](#) by US diplomat Richard Haass), to a South African-style truth and reconciliation commission.

Barriers to an amnesty

Echoing what happened in South Africa, one of the more controversial solutions highlighted as a recommendation from the consultation is a conditional Troubles “amnesty”. Some [have suggested](#) that former protagonists of the conflict would be able to come forward to discuss their role “outside their own tribe or circle of intimate acquaintances”, potentially leading “to a fuller disclosure of the facts” than any law court.

It’s worth remembering that there is currently a form of de facto amnesty. Those convicted of Troubles killings – including British soldiers – will only serve two years of any jail term under the terms of the 1998 Good Friday Agreement. Initially this only covered offences committed between 1973 and 1998, but the British government [recently confirmed](#) it would extend the early release scheme to cover offences committed since January 1968, and so would ensure the swift release of soldier “F” should he be convicted.

Still, talk of a broad amnesty is normally rejected by Unionists, Irish nationalists and [victims groups](#), as it would mean those responsible for killing would avoid prosecution. However, if applied across the board – to Republicans and Loyalists, as well as to former British troops – it might take the heat and partiality out of the subject.

Former Republican and Loyalist players in the conflict are routinely condemned, but many have gone on to play an important role in community work, education, the media and the arts. Even more importantly, peace only arrives when the protagonists engage and decide to stop the violence.

Leaving aside the case of the ex-paratrooper due to be tried for Bloody Sunday, a wider amnesty is most unlikely in the present moment. As the current Conservative government is [reliant on the DUP](#) for critical votes in

the House of Commons, the British and Irish governments would need to be in a stronger position before imposing this necessary framework from above.

This article was originally written for The Conversation. Read the original article [here](#).

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