

Impact case study (REF3)

Institution: Edge Hill University		
Unit of Assessment: C20: Social Work and Social Policy		
Title of case study: Collusion, Human Rights and State Accountability		
Period when the underpinning research was undertaken: 2000-2020		
Details of staff conducting the underpinning research from the submitting unit:		
Name(s): Mark McGovern	Role(s) (e.g. job title): Professor in Sociology	Period(s) employed by submitting HEI: September 1993-ongoing
Period when the claimed impact occurred: 2014-2020		
Is this case study continued from a case study submitted in 2014? N		
<p>1. Summary of the impact</p> <p>Research has had impact through promoting the inclusion of victims' rights as part of post-conflict transition, human rights advocacy and enhancing accountability for state wrongdoing via legal accountability mechanisms. This has been most evident, in reach and significance, within Northern Ireland as a region with unique circumstances (emerging post-1998 from armed conflict) and by influencing the attitudes and activities of community groups, human rights/victims' Non-Government Organisations (NGOs), international policymakers and lawyers involved in shaping truth recovery public policy and legal redress for past human rights abuses. Building on earlier work, impact has been driven by a range of activities, public events, collaborations and consultancies undertaken since 2014, as outlined in the evidence below. With a focus on holding the powerful accountable, impact is evidenced in supporting victims, recognition as a model for international practice, use to inform legal debates and proceedings and contributing to major policy debates in the USA.</p>		
<p>2. Underpinning research</p> <p>Post-conflict redress, including for victims and survivors of state violence, is a concern that has risen to prominence in recent years for domestic and international policymakers. In Northern Ireland (NI), the Good Friday Agreement (1998) ended a conflict costing 3,600 lives. Dealing with a conflicted past, by focusing on outstanding victims' truth and justice issues, has been a significant and contentious area of debate and policymaking; evidenced in civil society activities, the work of public bodies (e.g. Victims' Commission) and key policy initiatives (e.g. Consultative Group on Dealing with the Past, 2012 Report; Addressing the Legacy of Northern Ireland's Past, 2018 Consultation). The underpinning research reflects long-term engagement with the dilemmas confronting societies emerging from conflict, the legacy of state wrongs and the limitations of accountability mechanisms. The discrete but interlinked projects have been carried out by Professor Mark McGovern while employed by the University (1993 onwards). The research has developed considerably since 2014, with a focus on the issue of Collusion, State Violence, State Agents and Accountability.</p> <p>Research conducted during the current census period builds on a body of work which underpinned a 2014 EHU impact case study ('Influencing debates on post-conflict justice and human rights'). This involved several projects, including; the <i>Ardoyne Commemoration Project (ACP, 1998-2002)</i>; an <i>Assessment of Community-based Approaches to Truth Recovery (Assessment, 2003-2006)</i> and <i>Attitudes Towards a Truth Commission for Northern Ireland (Attitudes, 2005-2008)</i>. The ACP was an innovative, community-based project on post-conflict truth recovery. The <i>Assessment</i> research examined its impact. The <i>Attitudes</i> project created a module of questions for the <i>Northern Ireland Life and Times Survey</i> – the largest public opinion social survey conducted in NI. Together this work attracted total research awards of £145k+ (e.g. <i>Community Relations Council (NI)</i>, <i>EU Structural Fund for Peacebuilding in Northern Ireland</i> and the <i>Joseph Rowntree Charitable Trust</i>). Outcomes and outputs included a monograph (<i>Ardoyne: The Untold Truth</i>); reports and launch events; international engagements and networks (e.g. Sri Lanka Transitional Justice Group, 2006; Greensboro Community Truth and Reconciliation Commission, 2007) and comparative work with UK-based NGOs on the impact of counter-terrorism policies.</p> <p>A focus on the post-conflict accountability for the conflict-related actions of policing and intelligence agencies (particularly in NI), their agents and informers, developed throughout this work. At the core of work conducted since 2014 has been a long-term research project ('<i>Collusion, State Violence and Victims' Perspectives in Mid-Ulster</i>, 2009 onward) exploring state collusion in non-state political violence, focussing on cases in Mid-Ulster in the 1980s</p>		

and 1990s. Funded by the *British Academy* (£8,440) and *EU Peace III Special Programme for Peace and Reconciliation Fund* (£15,580), this work has been carried out collaboratively with victims' families and the victims' organisation *Relatives for Justice* (RFJ). The research examined evidence of collusion, the impact on families, and attitudes toward (and issues with) post-conflict legacy mechanisms. This sensitive work involved personally conducting 50+ in-depth interviews with family members and eyewitnesses and collating a large body of legal and archival materials, relating to over 40 killings carried out by loyalist paramilitaries where collusion with state agencies has been alleged. Many of these deaths remain the subject of ongoing investigation by statutory bodies (e.g. Police Ombudsman of Northern Ireland) and legal processes. Research was also undertaken into the roots and character of state counterinsurgency strategies, state wrongdoing and political/policy decision-making. The researcher conducted another 30+ in-depth interviews with keynote respondents (and further substantial archival research) to examine longer-term and wider patterns of state violence, the rules governing the actions of agents and informers, and legal and post-conflict accountability mechanisms. International peer-reviewed journal publications have analysed the links between colonial wars, counterinsurgency practice and collusion [ref 5] and the logic behind institutionalised collusion [ref 4, 6]. Others explored collusion in the 1994 Loughinisland massacre [ref 3] and the 'soldier-victim' figure in legacy state-killing cases [ref 2]. A single-authored monograph based on the Mid-Ulster research followed [ref 1].

3. References to the research

1. M. McGovern. 2019. *Collusion and Counterinsurgency in Northern Ireland*. London: Pluto Press. 256 pages (Single-authored monograph)
2. M. McGovern. 2019. *State Violence, Empire and the Figure of the 'Soldier-Victim' in Northern Ireland*. *Journal of Labor and Society*. 22(2), 441-460 doi: 10.1111/wusa.12421
3. M. McGovern. 2017. *See No Evil Collusion in Northern Ireland*. *Race and Class*, 58(3), 46-63. (Single-authored journal article). <https://doi.org/10.1177/0306396816665565>
4. M. McGovern. 2016. *Agents, Informers and the Liberal Ideology of Collusion in Northern Ireland*. *Critical Studies on Terrorism*. 9(2), 292-311. (Single-authored journal article). <https://doi.org/10.1080/17539153.2016.1175274>
5. M. McGovern. 2015. *State Violence and the Colonial Roots of Collusion in Northern Ireland*. *Race and Class*, 57(2), 3-23. (Single-authored journal article). <https://doi.org/10.1177/0306396815595200>
6. M. McGovern. 2013. *Inquiring into Collusion? Collusion, the State and the Management of Truth Recovery in Northern Ireland*. *State Crime*, 2(1), 4-29. (Single-authored journal article). <https://doi.org/10.13169/statecrime.2.1.0004>

4. Details of the impact:

Impact flows primarily from long-term, ongoing and direct engagement with community groups, NGOs, political representatives and legal professionals involved with influencing policy/practice for post-conflict truth recovery and state accountability in Northern Ireland (NI) as a region with unique circumstances. The research has had an effect on the activity, attitude, awareness and capacities of relevant individuals, organisations and constituencies. Impact has been evident in, **a) promoting victims' and survivors voices and rights** through research on, with and for families, NGOs and civil society; **b) pursuing accountability for state wrongs** via legal cases and accountability mechanism and **c) advancing an inclusive, rights-based culture** (domestically and internationally) through influencing public debate and policy.

a) The promotion of victims' and survivors' voices and rights builds on the long-term impact of a participatory approach through engagement with victims' relatives. First evidenced in the work of the *ACP* (1998-2002) this continued through the research undertaken with *RFJ* and the families of victims of collusion in Mid-Ulster (2009-2019) **[Factual Statement, FS1]**. The project and outputs [ref 1-6] have affected and continued to inform the awareness, behaviour and capacity of victims'/human rights organisations and legal professionals in collaborative approaches to truth recovery.

Collaboration with *RFJ* and the families they represent has been extensive, intensive, long-term and on-going. For the CEO of *RFJ* the core aims of that partnership have been to 'empower bereaved families to document their experiences...raise awareness and concerns more publicly about these killings...examine practices...identify failings [and] set out

potential remedy' [FS1]. The 'ground-breaking' work has ensured the 'voices [of victims' families] have been heard and their experiences validated' [FS1]. As 'completely evidence based' the RFJ CEO is in 'absolutely no doubt' the collaborative aims have been achieved. The North Belfast MP is also a human rights lawyer and a relative of a conflict collusion victim [FS2]. In combining 'independent analysis' with 'highlighting families' stories', he argues, 'the research...should not be underestimated [in] promoting accountability' and adds 'immeasurable weight' to 'reconciliation' efforts.

The work has made a broader contribution in influencing public debates about legacy and post-conflict transformation. A Former Chief Constable of Bedfordshire Police is now Head of 'Operation Kenova' and other current investigations into over 150 cases involving collusion allegations [FS3]. The 'work with victim advocacy groups', he contends, has 'tirelessly' sought truth for families and 'quite properly' led to asking 'legitimate questions of the authorities'. In providing a 'crucial perspective' and voice for 'a sector that has felt disenfranchised and let down' the research has 'directly stimulated and informed the discussion on legacy issues' [FS3]. 'Those in law enforcement' should promote the researchers work and 'welcome [the] scrutiny' it prompts. A partner for Kevin R Winters Solicitors (KRW) [FS4] (Ireland's leading human rights law firm, representing numerous victims' families), says he 'cannot overestimate...the societal impact' of the work and value of its 'academic integrity'. For the RFJ CEO it has placed legacy issues 'firmly on the political agendas of the Irish and UK Governments, the devolved administrations' and beyond' [FS1].

The community-based, participatory approach to transitional justice policy and practice advocated in earlier work was recognised as a model for international practice in citations contained in USAID (2014) *Community Participation in Transitional Justice: A Role for Participatory Research* [Other Sources, OS3]. USAID is 'the lead US Government Agency that works to end extreme global poverty'. Publications cited include Lundy, P. & McGovern, M. 2008. 'Rethinking transitional justice from the bottom-up'. *Journal of Law and Society*, 35, 265-292 (as key source for 'bottom-up' approaches at note 6; see also note 35, 184 – including reference to the ACP); Lundy, P. & McGovern, M. 2006. 'Participation, truth and partiality: participatory action research community-based truth-telling and post-conflict transition in Northern Ireland', *Sociology*, 40:1, 71-87 (at note, 34, 54, 59, 69, 109, 184)

b) Pursuing accountability for state wrongs has involved two primary areas of impact. The first focuses on **legal accountability for state collusion and the activities of agents and informers**. Research [ref 1-6] on covert policing and the use of agents and informers has directly informed legal cases brought on behalf of the families of victims of NI conflict-related violence. This follows long-term engagement with KRW Solicitors [FS4, 6]. A Partner for KRW [FS4] notes, the 'research and published works have transformed the factual matrix within which we work... complimented and enhanced our professional objectives... [and] our clients' interests'. Providing 'opportunities for dependable evidence', the work has been employed 'to reference and cite cases [where] commonality of suspects, ballistics and intelligence was not previously understood'. For the KRW litigation consultant the research 'has assisted' in developing 'pleadings on collusion as an administrative state practice' [FS6]. The KRW Partner argues that **specific publications have underpinned their legal strategies and arguments**. The 'thematic research' and 'geographical' and 'chronological' framing of the 'seminal work' (*Collusion and Counterinsurgency*, ref 1), has been 'critical to our litigation approach to disclosure' [FS4]. As lead solicitor for the six families of victims of the 1994 Loughinisland massacre, the research for *See No Evil* [ref 3] provided 'critical analysis... which was crucial to refining our litigation strategy' [FS4]. The historical and theoretical contexts provided by *Colonial Roots of Collusion* [ref 5] has been 'directly relevant to pleading cases' involving litigation against the British Army, including dozens of killings in the early 1970s. By broadening an understanding of state collusion, the research has informed litigation in cases where (previously thought unlikely) 'British Army intelligence may have permitted the murder of RUC officers to protect informants in republican groups'.

The research led to requests to provide expert affidavits and reports for human rights lawyers bringing legal cases where collusion has been suspected. These include providing an expert affidavit outlining state use of informers and agents within the IRA prior to the Birmingham Pub Bombings, 1974 (BPB74). The expert report was requested by leading UK (Broudie, Jackson and Canter, BJC) and NI-based (KRW) civil liberties firms

representing the victims' families. It was submitted to a recent high-profile inquest into the case (2019). A Director and Head of Major Inquiries of BJC [FS5] (who has represented the families of victims of Hillsborough Disaster and Manchester Arena bombing), states the BPB74 'pro-bono' report was an 'exhaustive analysis...which enabled us to understand the dynamics between various groups'. Confirming a lack of 'available evidence of British involvement in the bombings' also saved 'a great deal of time and the families the anguish of exploring fruitless lines of inquiry' [FS5]. The KRW litigation consultant notes the researcher's 'extensive' record of published work on collusion meant his 'credibility as an academic expert [was] 'compelling'. The BPB74 report 'was comprehensive', assisting in submissions, arguments and the 'forensic interrogation' of disclosed evidence [FS6]. KRW invited the researcher to provide expert testimony in a BPB74 Freedom of Information tribunal case heard at the Royal Courts of Justice, London (February 2020). The researcher was described as 'a compelling expert witness' on 'ideas of National Security...risk to individuals' and the form and structure of 'PIRA and contemporary dissident Republican activity' [FS6]. The 'eloquent' evidence demonstrated the 'practical importance of the research' for victims' families seeking legal accountability. [FS6].

The second area of impact in terms of legal accountability is concerned with evidence of a **torture culture, secrecy and state wrongdoing** within the British military during the early years of the NI conflict. A partner of Harte, Coyle and Collins solicitors (HCC) [FS7] found a public presentation by the researcher 'of such high calibre' it 'triggered' the request for an expert report in a case being taken against the Ministry of Defence on behalf of their client, Liam Holden. A 1972 conviction for killing a British soldier (a commuted death penalty, serving 17 years in jail) against Holden was quashed in 2012. The civil litigation alleges Holden was tortured (including waterboarding) to extract a confession. The expert report examined evidence of official tolerance of a 'torture culture'. The HCC Partner notes the 'detailed, comprehensive' expert affidavit is 'of significant assistance to the case' [FS7]. Currently under consideration as part of ongoing legal proceedings, the report and the researcher's 'knowledge [as an expert witness] will greatly assist the Court' [FS7].

c) Advancing domestic and international awareness of rights-based legacy work/state accountability has involved impactful activities and engagement designed to shape public awareness and debates on collusion, legacy and state accountability, domestically and internationally. Public engagement with key stakeholder sectors has included events organised in collaboration with NGOs and legal professionals. These include delivering the 2015 annual Pat Finucane Lecture (with human rights lawyer Peter Madden and BBC journalist John Ware) - 'the first public and independent analysis of the UK government review into the murder of Pat Finucane' [FS1]. A 2014 keynote address was given to RFJ's 'Harms to Rights' conference, opened by then Deputy First Minister of NI, Martin McGuinness [FS1]. Attendees at both events included political representatives (e.g. Martina Anderson MEP), statutory organisations (e.g. Victims' Commission, Police Service of NI) and human rights lawyers. The KRW partner invited a keynote address for the 'Belfast Homecoming' conference (2017) for an audience including national/international senior legal professionals (e.g. Lord Chief Justice for Northern Ireland, Sir Declan Morgan QC [FS4] and the Partner at HCC [FS7]. The widow of Pat Finucane spoke at the Belfast launch of *Counterinsurgency and Collusion* [ref 1, FS2] where over 200 attendees included the Head of 'Operation Kenova [FS3], journalists, NGO and political representatives (e.g. MPs, members of the NI Assembly), human rights lawyers, victims' families and survivors [FS 1, OS2]. The KRW litigation consultant co-hosted the London launch of *Collusion and Counterinsurgency* for an invited audience of fellow senior legal professionals [ref 1, FS6].

Internationally, the focus has primarily been on **influencing political representatives and policy makers in the US**. This centred on two trips. The first involved a **series of public launch events** for *Counterinsurgency and Collusion* [ref 1] in nine US cities (e.g. New York, New Jersey, Philadelphia, Boston), and **private briefings for prominent political representatives**, in June 2019 [OS 1: 1.4, 1.6, 1.7, 1.8, 1.9, 1.10, 1.11, 1.12]. Organised in conjunction with RFJ and the Ancient Order of Hibernians (AOH) these briefings and events (attended by over 600 people) highlighted issues raised in the research [FS1, OS 1.7, 1.9]. They included a book launch (supported by \$2k from the Northern Ireland Bureau (NIB), introduced by its First Secretary) at the National Press Club,

Washington DC for an audience of political, legal and community leaders (e.g. Deputy Head of the Irish Embassy) [FS1]. Private briefings, to focus US policymakers' influence on legacy accountability, were held with leading members of Congress (e.g. Peter King (New York), and the Chief Advisor to Richard Neal, Chair of the House Ways and Means Committee) [OS 1.6, 1.7]. For the CEO of RFJ, a letter sent by leading members of Congress (e.g. Peter King, Eliot Engel) to the senior British official in the US (Deputy Ambassador Michael Tatum) in July 2019 was a 'direct consequence of the US book launches' [OS.14, FS1]. The letter raised concerns over the 'failure to implement agreed legacy issues [specifically]... legacy killings in Tyrone and South Derry' [OS 1.4, 1.7].

Citations issued by members of Congress marked the impact of these briefings and public events [OS 1.10, 1.11, 1.12]. For example, Rep. Brendan Boyle (member, House of Representatives Ways and Means Committee) found the book and launch meetings worked 'diligently' for 'transparency and accountability' and will 'educate the public' [OS 1.10]. Borough President of the Bronx, New York City heralded the 'ground-breaking' research and public events as means to 'increase American awareness of legacy victims' [OS 1.11]. Pennsylvania Congressmen Kevin Boyle and Michael Driscoll 'heartily' commended the 'hard work and commitment' evident in the 'praiseworthy accomplishment' of the work that would 'enlighten all Irish-Americans' about 'suspected collusion' [OS 1.12].

The second trip followed an invitation to provide **a briefing on the impact of Brexit on peace and reconciliation on the island of Ireland to members of the US Congress House Committee on Foreign Affairs and the Congressional Friends of Ireland Caucus of the House of Representatives** in November 2019 [OS 1: 1.1, 1.2, 1.3, 1.5]. Committee members present included Eliot Engel (Chair), Bill Keating (Massachusetts) Brian Higgins (New York) and Brendan Boyle (Pennsylvania). Audience members included the Deputy Head of the Irish Embassy, First Secretary of the NIB and several dozen congressional and senatorial advisors (e.g. Chief Advisor to Richard Neal). A meeting was held with Senator Chuck Schumer (New York, Senate Leader) and requests for further briefing material received from several Senators' offices (e.g. Jack Reed, Rhode Island). A letter was subsequently sent by senior members of the US Congress (including Rep. Boyle and Rep. Neal) to UK party leaders in early December 2019 raising concerns over the impact of Brexit on human rights and legacy issues [OS 1.2]. **The RFJ CEO says these efforts raised the profile of legacy and collusion issues in the US**, feeding into wider initiatives to secure the appointment of a US envoy to 'cement the peace process' and deal with 'outstanding' concerns, notably 'addressing the legacy of the past' FS1].

5. Sources to corroborate the impact

Factual Statements [FS]: The following testimonials have been provided by key representatives of groups, bodies and professions involved in human rights, truth recovery and victims' issues, mostly in Northern Ireland.

1. CEO Relatives for Justice (Belfast-based Victims'/Human Rights NGO) (impacts a, b, c).
2. Head of 'Operation Kenova', Former Chief Constable (impacts a, b).
3. MP for North Belfast (Former Lord Mayor of Belfast), Collusion Victim Relative and Solicitor (impacts a, b, c)
4. Partner, KRW Solicitors: Solicitor for Loughinisland Massacre families (impacts a, b, c).
5. Director and Head of Major Inquiries, Broudie, Jackson and Canter: Solicitor representing families in Birmingham Pub Bombings (1974) Inquest, 2018-2019 (impact b).
6. Litigation Consultant, KRW Solicitors: Solicitor representing families in Birmingham Pub Bombings (1974) Inquest, 2018-2019 (impact b).
7. Partner/Solicitor, Harte, Coyle, Collins Solicitors, lawyer for Liam Holden (impact b).

Other Sources (OS):

1. Portfolio of Evidence of Impact for US Visits (2019) (impact c).
2. Connla Young (2019) 'New book examines collusion and counterinsurgency in the north', *Irish News*, 11 May (impact c)
<https://www.irishnews.com/news/northernirelandnews/2019/05/11/news/new-book-examines-collusion-and-counterinsurgency-in-the-north-1617311/>.
3. USAID (2014) *Community Participation in Transitional Justice: A Role for Participatory Research*, Washington DC (impact a).