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Niall Murphy BBC TALKBACK Tuesday 11th February 2025

1223-1300

Policy Exchange Report - The £2 billion cost of Legacy in Northern Ireland

Of course, there is a cost to any truth and justice process. For instance, when a crime is committed anywhere in the world,

- there is a cost to a police investigation,
- a cost in holding a trial,
- a cost providing prosecution and defence lawyers,
- a cost for prison time if someone is found guilty and given a custodial sentence,
- and a cost if compensation is provided to the victim of crime.

Is anyone seriously suggesting we should not investigate crimes and follow the due process of law? There is a cost to justice.

It is a price that democratic societies think worth paying - to show our support for the rule of law; - our disapproval of criminal behaviour; - and our support for the victims of crime.

That is what we are talking about writ large in terms of our recent conflict. Thousands of crimes, carried out by non-state and state actors over three decades.

The victims deserve due process, and have a legal right to effective investigation, accountability and compensation.

In many cases, we know that those crimes were not effectively investigated at the time and that is why we now have these long-delayed processes taking place in more recent years.

If there had been adequate investigations at the time, then we would not have to incur those costs now.

Also, much of the additional costs associated with conflict related processes are a direct result of them being dragged out by lack of cooperation from state regarding disclosure of evidence, with truthful accounts having to be dragged from MoD, GCHQ, the NIO, the PSNI and other State agencies.

POLICY EXCHANGE

Also, may be worth noting that Policy Exchange is a very anti-human rights think tank, which has previously advocated for withdrawal from the ECHR / ECtHR. It mostly refuses to disclose the sources of its funding and is ranked as one of the least transparent think tanks in the UK¹.

I am concerned that at page 9, Policy Exchange describes internment as 'lawful detention'. This anti-factual, anti-history assertion, should tell us all we need to know about the intentions of the Report.

It should also be noted, that £840 million of the headline figure of £2 billion, has already been incurred, and covers the Saville Inquiry, which obviously incorporates the assessed legal costs of the MoD. The report, therefore, should not be considered in the context of victims and survivors of the Conflict costing the taxpayers billions, but rather the total costs which come with a legacy of impunity.

In fact, it could be observed that the £1.3 billion estimated future costs (or even the £2.7bn total costs) is fairly modest - when compared to, for example, the £12.8bn committed to supporting Ukraine².

¹ In November 2022, the funding transparency website Who Funds You? gave Policy Exchange an E grade, the lowest transparency rating (rating goes from A to E). Link: <https://www.opendemocracy.net/en/who-funds-you/policy-exchange/>

Think tank Transparify, which is funded by the Open Society Foundations, ranked Policy Exchange as one of the three least transparent think tanks in the UK in relation to funding. Transparify's report *How Transparent are Think Tanks about Who Funds Them 2016?* rated them as *'highly opaque,' one of 'a handful of think tanks that refuse to reveal even the identities of their donors.'*

Link: <https://static1.squarespace.com/static/52e1f399e4b06a94c0cdaa41/t/5773022de6f2e1ecf70b26d1/1467154992324/Transparify+2016+Think+Tanks+Report.pdf>

² <https://www.gov.uk/government/publications/uk-support-to-ukraine-factsheet/uk-support-to-ukraine-factsheet>

COSTS OF IMPUNITY

£1/4 billion budgeted for the ICRIR, which has already recruited more highly paid staff than inquiries.

In recent months I have represented the family of Sean Brown and have observed the profligacy with which the state approaches its legal, financial and moral duties. 57 court appearances in relation to the Sean Brown Inquest, which ultimately collapsed due to the approach undertaken by the Secretary of State, Mod, MI5, which in turn costing hundreds of £1000s. Over 30 preliminary hearings because State agencies refused to co-operate with the coroner.

Moving the Bloody Sunday Inquiry to London when PSNI said there was no security risk.

Last week I represented the family of Kevin Barry O'Donnell at the Clonoe Inquest, and purely with regards to the number of lawyers in court, State agencies were represented by twice as many barristers, with PSNI, MOD and the Former Military Witnesses represented by 12 barristers, including 7 KC's, with the families represented by 6 barristers, incl 3 KC's.

How much taxpayer's money was spent defending Denis Hutchings, a British Army soldier who shot a vulnerable intellectually disabled man, John Pat Cunningham in the back, killing him.

How much has been spent trying to block the truth emerging about collusion?

- It's interesting that they can uncover how much the British state is paying its legal teams because we don't know.
- The cost of families legal representation is transparent - minimal, fought for and contested at every step.

Things that might mitigate costs:

- Appealing coroners, high courts and local appeal courts every time there is a determination that doesn't sit easily with state narratives
- If the state had met their obligations under Stormont House
- If the state didn't push everything into lengthy and opaque Closed Material Procedures

The authors of this report were some of the robust advocates of the Legacy Act, and the amnesty that would have legislated for. An Act which was unanimously rejected by every shade of political opinion here.

The question is not what price justice - but what cost Britain's shield of sovereignty.

The truth costs nothing - cover ups cost billions. Set the Truth Free.

PUBLIC COST OF PLACATING THE SECURITY CONSTITUENCY

The report does not address the massive public funds spent placating the security constituency,

- **£500 million**³ Patten redundancy scheme to 'depoliticise' policing
- **£135 million**⁴ of public funds has been spent on hearing loss claims for 10,807 retired police officers. The scheme was described by an independent government appointment review, to be 'buckling' in May 2015⁵.
- *And of course we have pending the **data loss claims** which arose from PSNI self-publicising the personal data of its officers, who will in turn be compensated from the public purse, which has already resulted in an ICO fine of £750,000⁶. The ICO found that simple-to-implement procedures could have prevented the serious breach, in which hidden data on a spreadsheet released as part of a freedom of information request revealed the surnames, initials, ranks and roles of all 9,483 PSNI officers and staff.*
- **£250 million**⁷ on payments to the UDR/RIR;
- **£20 million**⁸ 'Gratuity payment' to the RUC reserve;
- **£106 million**⁹ on retiring rehiring, to bring in Patten retired RUC into the PSNI without Ombudsman involvement;
- **£70 million**¹⁰ to prison officers in a Patten-style pay out.

³ **Patten police redundancy bill hits £500m 12th January 2011**

<http://www.bbc.co.uk/news/uk-northern-ireland-12171098>

A package described by then Secretary of State Peter Mandelson, as the most generous scheme ever available to public sector workers in the jurisdiction

⁴ **Police hearing loss: £135m paid in compensation 23rd January 2014**

<http://www.bbc.co.uk/news/uk-northern-ireland-25860820>

⁵ <http://www.belfasttelegraph.co.uk/news/northern-ireland/psni-injuries-pay-scheme-buckling-31222098.html>

⁶ <https://ico.org.uk/about-the-ico/media-centre/news-and-blogs/2024/10/what-price-privacy-poor-psni-procedures-culminate-in-750k-fine/>

⁷ **NI soldiers getting £250m pay-off 9th March 2006**

http://news.bbc.co.uk/1/hi/northern_ireland/4789624.stm

Redundancy packages costing up to £250m for 3,000 Northern Ireland Royal Irish Regiment soldiers have been announced in the House of Commons. Armed Forces Minister Adam Ingram said "The unique and exceptional payment of the tax-free ex-gratia award is specifically designed to acknowledge the impact that disbandment will have on soldiers currently serving with the Royal Irish Regiment (home service) battalions. *This is a very generous package and reflects the regard in which the home service is held.*"

⁸ **£20m gratuity scheme for police part-time reserve announced**

<http://www.bbc.co.uk/news/uk-northern-ireland-11710888>

Justice Minister David Ford has published the details of a £20m gratuity scheme for members of the Police Part-Time Reserve. *The money is being provided by the Treasury. Mr Ford said that the "payments are to be made in recognition of the particular circumstances of those who volunteered to serve" in the reserve.*

⁹ **Audit Office RUC rehiring report stark reading for PSNI**

<http://www.bbc.co.uk/news/uk-northern-ireland-19809450>

"Out of control". That is how the government's spending watchdog describes the recruitment of temporary agency staff by the PSNI in 2007. The report reveals that:

1. 256 retired officers were rehired with three months of leaving
2. Of those, 127 were rehired within a month, 54 within a week, and 21 were back within a day
3. Two were even employed as agency staff before they had officially left the PSNI

¹⁰ **Huge response to prison officers redundancy plan 9th December 2011**

<http://www.bbc.co.uk/news/uk-northern-ireland-16113994>

These payments to the Security Constituency have contributed to a grave sense of frustration, with a total estimate of public funds paid out reaching at least **£1.2 billion**.

“Nearly every one of the 650 Northern Ireland prison officers aged over 50 have expressed an interest in taking voluntary redundancy. The sums on offer are much lower than the packages for police officers under the Patten redundancy scheme, but they are much more generous than standard public sector pension schemes. Payments will depend on length of service and salary. The most experienced officers will receive a lump sum of more than £55,000, which they would have received anyway as part of the civil service early retirement scheme. They will also receive a number of enhanced payments, equivalent to 21 months salary, bringing the total to just over £120,000, plus an annual pension of £18,500.”