

# **Part two: Lest they forget... the extraordinary battle to clear loved ones' names**

In this second exclusive extract from *Forgotten Soldiers: The Irishmen Shot at Dawn* Stephen Walker tells how an ex-Stormont minister, a veteran of the peace process and a Dublin bus driver found themselves at the centre of the pardons debate.

(Belfast Telegraph)

Iveagh House sits grandly overlooking St Stephen's Green in the commercial heart of central Dublin. Once a bishop's residence, it's a warren of corridors and secret passages and makes an impressive home for the staff of the Department of Foreign Affairs.

In 2002 a smartly dressed man in his 50s carrying a briefcase walked into the reception area. In the long-running battle to win pardons for the executed British soldiers, a Dublin bus driver was about to try a new tactic.

Peter Mulvany had recently established the Irish branch of the Shot at Dawn group. His efforts had begun to attract the support of politicians from all parts of the country. He quickly secured unionist and nationalist backing in Northern Ireland and all-party support in the Republic.

When he wrote to the Department of Foreign Affairs explaining that Irish soldiers had been executed in the Great War, officials took note, as one would later recall: "He told us about the Irish cases and explained how they had been victims of a miscarriage of justice."

The Irish officials did more than simply listen to Peter Mulvany. Convinced the British had a case to answer, officials in Iveagh House did some initial research and then briefed the Minister for Foreign Affairs, Brian Cowen. In November 2003 he announced that the Irish government was supporting the Shot at Dawn campaign.

In February 2004 officials met their counterparts in the Ministry of Defence in London and asked to see the files pertaining to the Irish soldiers. The officials seemed surprised but did not refuse the request, and within a month copies of the files were on their way to Dublin.

Over the next six months officials at Iveagh House pored over the court martial files of the Irish-born soldiers. By the time their report was complete there had been a reshuffle in the Irish government, and the report's authors had a new superior to report to. Brian Cowen had been replaced by Dermot Ahern.

Ahern, a Fianna Fail TD from Dundalk, was sceptical at first about the idea of backing the campaign. However, after he read the report he became four-square behind the move. He realised how significant the issue was to the families, to the campaigners and to Anglo-Irish relations.

However, he was also conscious it had to be handled carefully and that it shouldn't be about 'getting at the Brits'.

He simply wanted a resolution that recognised how the Irish soldiers had been unjustly and unfairly treated.

The Irish report, which analysed each case, allegations of class bias and the perceived disparity in the treatment of Irish soldiers, was completed by the autumn of 2004, sent to the Irish embassy in London and passed on to the British Government.

Officials in Dublin would have to wait months for a reply from London. Though the issue was raised in Anglo-Irish meetings in 2005, a year later the British Government had still not formally responded. For the officials in Dublin the delay was frustrating; but by this time the Irish cases were not the only ones preoccupying officials of the Ministry of Defence. Six months earlier, in May, a landmark legal case had begun involving the family of Private Harry Farr, who was shot for cowardice in 1916.

For 14 years Farr's family, including his 93-year-old daughter Gertie and granddaughter Janet Booth, had campaigned for a pardon, and after the Government rejected their appeal relatives brought an action in the High Court. The family insisted that Harry Farr, who had been serving with the West Yorkshire Regiment, had shell-shock and had not been given a fair trial. Farr's relatives had first been told there were no legal grounds on which to challenge the Government's refusal to grant a full pardon.

However, during the legal proceedings Mr Justice Stanley Burnton said there was 'room for argument' that the family had been wrongly refused a conditional pardon. The case began to take on some significance, and it became clear that if the family were successful the Ministry of Defence would have to reopen the remaining 305 cases.

As the Farr case placed the issue of pardons in the public eye, discussions were taking place away from the gaze of the cameras. Don Touhig, the Minister for Veterans' Affairs, had come to the private conclusion that the Ministry of Defence should prepare the ground for a U-turn on pardons.

He went looking for allies who would support the pardons legislation and who carried political influence. He met Dáithí Ó Ceallaigh, the Irish ambassador to Britain, and in the breakfast room at the Irish embassy in London the two men discussed the Irish government's desire to see pardons for all the executed British soldiers, including the Irish-born soldiers. Breakfast meetings were the ambassador's speciality; his previous guests had included the Taoiseach, Bertie Ahern, and the leader of the DUP, Ian Paisley. In 2006 Touhig and Ó Ceallaigh spoke for 90 minutes and the two men shared much common ground. Touhig suggested to his host that it would be helpful if Taoiseach Bertie Ahern raised the issue of pardons at his next meeting with Prime Minister Tony Blair. The ambassador agreed to brief Ahern before his next meeting and at Touhig's suggestion agreed that the Irish government should send a letter to increase the political pressure. On Wednesday, May 3, Dáithí Ó Ceallaigh went to the Ministry of Defence in Whitehall. He took with him a letter from Dermot Ahern, who was asking for a response to the

Irish government's report. Ó Ceallaigh was taken to the office of Bill Jeffrey, the department's permanent under-secretary. Jeffrey was an experienced civil servant and no stranger to receiving Irish visitors. He was well-known on the Anglo-Irish circuit, having been political director at the Northern Ireland Office for four years. He passed on the letter to his minister; but John Reid the Defence Secretary had little time to draw up a response.

Two days later, on May 5, Tony Blair was suffering from a political hangover and embarked on the biggest reshuffle of his premiership.

In an attempt to regain political momentum after a disastrous local election campaign he initiated a game of musical chairs around the Cabinet table. In Reid's place at the Ministry of Defence came a fellow-Scotsman and Blair loyalist, Des Browne, who had experience in the Home Office, the NIO and the Treasury. The Browne appointment would transform the atmosphere in which the pardons campaign was now being fought.

Browne, who was a barrister in Scotland before entering politics, quickly got to grips with the legal intricacies of the Farr case.

His legal background was obviously useful, but so too was his previous ministerial experience and in particular his time at the NIO. Browne, whose mother comes from Warrenpoint and who has extended family in Northern Ireland, enjoyed his time in Belfast.

One of his final duties in Northern Ireland as Minister for Victims brought him into contact with hundreds of relatives whose loved ones had been killed in the Troubles.

"Nobody can come out of Northern Ireland without having a clear sense of how victimhood in Northern Ireland can pass over generations.

"People who are long disconnected in time and personal experience from things that have happened in Northern Ireland have a very strong sense of victimhood because of what their family suffered and the absence of any redress for that or justice." When he started work at the Ministry of Defence his views on the Great War executions were already mapped out: " I came to the job with a sympathy for the families and a sense of injustice." By 2006 the Farr case had given the Shot at Dawn campaigners much hope. By now Des Browne was preparing to do something his predecessors had resolutely refused to do.

In August the rumours and speculation turned to fact when the Ministry of Defence contacted the Farr family to inform them that Harry Farr and 305 other servicemen would be pardoned. Stunned, Gertie Harris simply could not believe that her father was at last being pardoned.

That night she was unable to sleep, so she listened to radio bulletins throughout the evening: and slowly the news began to sink in. Andrew Mackinlay, in Australia as a member of the House of Commons Select Committee on Foreign Affairs, was asleep in his hotel room in Canberra.

He was woken from his slumber and, like Gertie Harris, he tried to take in what he was being told.

The next day the full details of the Government's proposals became clear. Des Browne later explained that the move was about righting a wrong: "I believe a group pardon, approved by Parliament, is the best way to deal with this. After 90 years the evidence just doesn't exist to assess all the cases individually. I do not want to second-guess decisions made by the commanders at the time, who were doing their best to apply the rule and standards of the time. But the circumstances were terrible and I believe it is better to acknowledge that injustices were clearly done in some cases - even if we cannot say which - and to acknowledge that all these men were victims of war. "

The news that pardons were forthcoming was greeted with delight by the Irish government and those behind the Irish Shot at Dawn campaign.

In Dublin, Peter Mulvany was both thrilled and stunned when the news finally came through: "Even though I had a sense that something was happening, I was stunned when it happened and I simply could not believe it."

That disbelief and joy was shared in many homes in Britain and Ireland. Muriel Davis (92) heard the news at her house in Warwickshire. Her brother-in-law Tommy, from Ennis, Co Clare, was a member of the Munster Fusiliers who was executed in 1915 for quitting his post in Gallipoli.

"Tommy's mother would have been so relieved. She had led a life of grief; she couldn't talk about it. Even when she did talk about him she filled up with tears. She knew he was not a coward."

Similar emotions were felt in the Walsh household in Dublin. Christy Walsh is the great-nephew of Patrick Downey, a private in the Leinster Regiment who was shot in December 1915. His death was a landmark in the history of military executions, as he became the first soldier to be executed for disobedience during the First World War.

"The stigma has been removed from this family. It is now accepted that Irishmen went and fought for the British, and at the time many of them were not seen as Irish - but now we can call them Irish. We owe it to the Irish executed to show they were victims of an injustice."

In November 2006, the most appropriate of months, it was the job of Derek Twigg to lead the debate in the House of Commons. A number of Conservative MPs opposed the Government's plans, and Derek Twigg was accused of 'rewriting history' and letting rogues off the hook.

Despite the opposition, Twigg reminded his parliamentary colleagues that the pardon was about removing the dishonour of execution and not about quashing convictions or sentences.

Coincidentally, the Irish Minister for Foreign Affairs, Dermot Ahern, was in London when the bill received the Royal Assent, and he took the opportunity to ring the Secretary of State for Defence, Des Browne, to convey his appreciation. Ahern was pleased that a resolution had been found and told Browne that the Irish campaign had been an example of how people from different traditions had come together to campaign on an issue of shared history.

Ninety years earlier, at the outbreak of the Great War, Protestants and Catholics, unionists and nationalists, had joined forces to fight for a common cause. Now that unity of purpose had been repeated when every major political party on the island of Ireland endorsed the pardons campaign. As a former NIO minister, Browne understood the subtleties of Ahern's comments and was pleased that the Irish government now accepted that the issue was resolved.