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The Bloody Sunday Inquiry: Transitional Justice and Postconflict Reconciliation in Northern Ireland

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Recent research suggests that transitional justice interventions may be essential to advancing post-conflict reconciliation in societies that have been deeply divided by histories of gross human rights abuses. In Northern Ireland, a uniquely 'piecemeal' approach to the past emerged following the Belfast Agreement combining an array of discrete truth-recovery and justice initiatives to address the abuses of the Troubles. One of the most important of these interventions has been the Bloody Sunday Inquiry, which in June 2010, released a Final Report of its findings regarding the controversial shooting deaths of 14 civilians in Derry/Londonderry on January 30th, 1972. This article provides a qualitative assessment of the degree to which the Inquiry has been able to advance crucial aspects of truth and justice for the events of Bloody Sunday and explores how these efforts have contributed to ongoing processes of reconciliation between Catholic/nationalists and Protestant/unionist communities in Northern Ireland.

Introduction

Since the partition of the island of Ireland in 1921, Northern Ireland has suffered from a protracted and seemingly intractable conflict, with communities of (largely Roman Catholic) Irish “nationalists” engaged in a long-standing struggle with both (largely Protestant) pro-British “unionists” and the security forces of the British state. The worst period of violence between these groups occurred between the early 1970s and the late 1990s in a period known as the “Troubles.” During this time over 3,500 people were killed, the vast majority by armed “Republican” and “Loyalist” paramilitary groups who claimed to represent local nationalist and unionist communities. The violence of the Troubles was finally brought to an end by the historic peace process of the late 1990s. However, even after the signing of the landmark Belfast Agreement in 1998, Northern Ireland has remained a society deeply divided by a polarized political climate, entrenched social segregation, and intercommunal animosity, prejudice, and mistrust. These divisions are still sustained, at least in part, by ongoing tensions between nationalists and unionists related to the legacy of unresolved human rights abuses associated with the violence of the Troubles.

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Since the latter half of the twentieth century, there has been increasing international normative pressure mandating that societies transitioning away from histories of violence act in some way to provide “truth” and “justice” to end impunity for past abuses. This has coincided with a growing recognition that such interventions may have the potential to help facilitate processes of peacebuilding and reconciliation in postconflict societies. However, unlike other societies that emerged from legacies of conflict in recent decades, no formal centralized transitional justice process—such as a tribunal or truth commission—was established to address the divisive legacy of Troubles-era violence in Northern Ireland. In part, this was due to the policy of “constructive ambiguity” underpinning the peace process, which recognized that, while there might be a shared commitment to bringing an end to violence in the country, no consensus existed between nationalists and unionists as to what the future constitutional status of Northern Ireland should be or even whether the Troubles should rightfully be regarded as a civil conflict or as criminal terrorism. Attempts to provide truth or justice to deal with the contentious legacies of the past therefore remained conspicuously absent from the “fault neutral” framework of the Belfast Agreement for fear of destabilizing the country’s fragile peace process. Instead, a uniquely “decentralized” program of transitional justice emerged in Northern Ireland following the Agreement, combining a “piecemeal” array of discrete truth-recovery and justice initiatives undertaken independently by governmental, nongovernmental, and local community actors. Among other things, these efforts have included victim and ex-prisoner support groups and community-based truth-recovery and storytelling programs. The British government has also implemented a broad “package of measures” to address the past by way of public legal inquiries and independent police investigations into Troubles-era deaths (Bell 2003; Lundy and McGovern 2008; Aiken 2010, 2013a).

The Bloody Sunday Inquiry (BSI) is perhaps the most important and well known of these measures. Opened by the British government in 1998, the BSI was charged with uncovering the details of one of the single most contentious and pivotal events of the Troubles: the so-called “Bloody Sunday” incident, which involved the shooting deaths of 13 Catholic civilians by British soldiers during an anti-internment march in the city of Derry on January 30, 1972.¹ Building on a series of 25 semi-structured expert interviews conducted during the summer of 2011, this article provides an initial qualitative assessment of the BSI’s contributions to ongoing processes of reconciliation between Protestant/unionist and Catholic/nationalist communities.² In particular, this article examines the degree to which the Inquiry has been successful in advancing crucial aspects of both truth and justice in relation to the events of Bloody Sunday and explores how these efforts, in turn, have helped or hindered intercommunity reconciliation between nationalists and unionists in the city of Derry. The implications of these findings are then considered in the context of broader debates about how to deal with the past in Northern Ireland.

Transitional Justice and Intergroup Reconciliation in Deeply Divided Societies

In recent years, transitional justice has emerged as a distinct area of scholarship focused on the study of the judicial and nonjudicial interventions used by local communities, states, and international actors to provide redress and accountability for gross human rights violations in societies seeking to rebuild in the aftermath of internal violence (Kritz 1995; Roht-Arriaza 2006; Kerr and Mobekk, 2007). In part, the use of these interventions has been driven by the rise of a “norm of accountability” in the international community that places a moral and legal duty on states to take action to end impunity for gross human rights abuses

(Sikkink 2011). However, it has also been increasingly recognized that these interventions can prove to be integral to the promotion of reconciliation in societies that have been “deeply divided” by histories of mass violence committed between ethnic, national, religious, or political identity groups (Long and Brecke 2003; Annan 2004; Gibson 2004; Goldstone 2004; Weinstein and Stover 2004; Arthur 2010).

Postconflict reconciliation is a difficult and long-term endeavor that involves a range of interrelated processes operating at individual, communal, and societal levels (Oduro 2007). However, in the context of deeply divided societies, reconciliation ultimately requires an element of “social learning” among former antagonists, namely, a transformation of the entrenched system of antagonistic identifications, hostile relationships, and divisive belief systems underpinning intergroup violence and the creation of a new culture of respect for human rights and the rule of law (Bar-Siman-Tov 2004; Aiken 2008, 2009, 2010, 2013a, 2013b). In fact, the presence of enduring grievances and animosities over past abuses can continue to sustain intergroup divisions and to prevent societal reconciliation even long after formal peace agreements have been signed. As Nigel Biggar has illustrated, former enemies have shown little inclination to simply “forgive and forget” the experiences of past violence. If these historical abuses are left unaddressed, the pervasive sense of injustice surrounding them can “help to infect future generations with an indiscriminate hatred of the perpetrators and their descendants—and also with an endemic mistrust of the state that, having failed in its duty to vindicate victims past, seems ready to tolerate the injury of victims future” (Biggar 2001: 8). Therefore, by bringing former antagonists together to confront, to clarify, and to come to terms with the divisive legacies of past violence, transitional justice interventions may be uniquely situated to help advance processes of social learning and intergroup reconciliation in divided societies (Aiken 2010, 2013a, 2013b). More specifically, recent scholarship from the field of transitional justice suggests that one way in which these interventions can contribute to reconciliation in divided societies is by providing both “justice” and “truth” to address past abuses.

While debates exist regarding the relative merits of “retributive” interventions focused on the criminal prosecution of perpetrators versus more “restorative” or reparative non-judicial approaches, there is now a widespread consensus that the provision of justice is a necessary, if not sufficient, requirement for advancing reconciliation in divided societies (Miall et al. 2000; Biggar 2001; Fletcher and Weinstein 2002; Goldstone 2004; Staub 2006). Whether predominantly restorative or retributive in nature, the provision of justice is understood to entail bringing an end to impunity for past abuses through both an official acknowledgement of victims and the provision of some form of accountability for perpetrators (Miall et al. 2000; Huyse 2003; Kerr and Mobeck 2007; Lambourne 2009). Acknowledgement entails an official recognition by transitional authorities of the suffering experienced by victims and the inherent wrongness and illegality of the abuses that were committed against them. This acknowledgement is of critical importance for helping to reduce the deep feelings of victimization and alienation that can be caused by the experience of past abuses and for aiding personal processes of healing among victims that can foster greater willingness to engage in reconciliation efforts with former antagonists (Lederach 1997; Minow 1998; Biggar 2001; Staub and Bar-Tal 2003). The provision of accountability, in turn, can help to signal a crucial normative shift in postconflict societies that delegitimizes the use of violence and signals a renewed commitment to the rule of law (Teitel 2002). Accountability is also vital as it can help to ameliorate feelings of anger and animosity surrounding past abuses that might otherwise sustain intergroup antagonisms and impede social learning and reconciliation (Biggar 2001; Mani 2001; Bar-Tal and Bennink 2004; Lambourne 2009).

Alongside the provision of justice, transitional justice interventions also often include dedicated truth-recovery initiatives aimed at assembling an official record of human rights violations by way of historical investigations and/or the collection of eyewitness testimony, forensic evidence, and archival research (Hayner 1994, 2002). Most scholars in the field agree that these interventions can contribute to reconciliation by developing a historical account of the “truth” regarding past abuses that can be mutually accepted—or at least mutually tolerated—by all former antagonists (Ignatieff 1998; Minow 1998; Kiss 2000; Gibson 2004; Imbleau 2004; Borer 2006). The ability of transitional justice interventions to promote a more inclusive and multifaceted view of contentious past events can be instrumental in ameliorating the divisive beliefs, biased collective memories, and competing narratives that inevitably develop during protracted periods of violence in divided societies (Bar-Tal 2003; Cairns and Roe 2003; Devine-Wright 2003). Left unchallenged, these antagonistic belief systems have been shown to sustain existing intergroup hostilities, to hinder the development of more peaceful and reconciled relations, and to provide fertile ground for future returns to conflict (Long and Brecke 2003; Kelman 2004; Borer 2006). The remainder of this article considers the ability of the BSI to provide both justice and truth regarding the divisive events of Bloody Sunday as part of Northern Ireland’s broader piecemeal approach to the past and assesses the relative impact this has had on ongoing processes of postconflict reconciliation between nationalists and unionist communities in the city of Derry.

The Bloody Sunday Incident

On the 30th of January, 1972, 26 Catholics—including men, women, and teenagers—were shot by soldiers belonging to the First Battalion of the Parachute Regiment of the British Army (1st Para), an elite unit that had been deployed to Northern Ireland to assist local police forces in quelling the rising levels of civil unrest in nationalist communities during the late 1960s. Fourteen of those shot died immediately or soon after as a result of their wounds, making this one of the single deadliest incidents during the Troubles. The shootings took place during an outbreak of rioting in the predominantly working-class nationalist Bogside neighborhood of the city of Derry during a banned civil rights march led by the Northern Ireland Civil Rights Association (NICRA) against the British government’s controversial policy of internment without trial for those suspected of being involved with elements of the Provisional Irish Republican Army (PIRA). In the aftermath of the incident, the British government claimed that 1st Para had opened fire in self-defense against armed “gunmen and bombers” suspected to be associated with the PIRA who had sought to take advantage of nationalists’ illegal rioting to launch a sustained shooting and nail bombing attack against Army forces (Melaugh and Mckenna 2013).

However, the events of Bloody Sunday immediately prompted outrage and protests in Northern Ireland and the Irish Republic in addition to strong international condemnation and calls for a formal investigation into the shootings. On February 1, 1972, British Prime Minister Edward Heath announced that Lord Chief Justice Widgery would head a Tribunal of Inquiry to “try and form an objective view of the events and the sequence in which they occurred” (Widgery 1972: para. 2). The Widgery Tribunal submitted the findings of its investigation in a Final Report to the British government less than 11 weeks after the events of Bloody Sunday. This report largely exonerated the soldiers of 1st Para of wrongful action during the incident, concluding that ultimate responsibility for Bloody Sunday rested with those who organized the illegal civil rights march and noting that the soldiers involved had justifiably opened fire only after coming under sustained shooting and bombing attacks by armed republican assailants. Further, the Tribunal’s Report implied that the civilian victims

were themselves complicit in the attacks against 1st Para, noting that while “none of the deceased or wounded is proved to have been shot whilst handling a firearm or bomb” there nevertheless remained “a strong suspicion that some others had been firing weapons or handling bombs in the course of the afternoon and that yet others had been closely supporting them” (Widgery 1972: para. 10).

The events of Bloody Sunday and the subsequent Widgery Inquiry proved to be incredibly divisive for Northern Ireland. For their part, nationalists largely viewed the shootings as sectarian killings carried out to exert control over the local Catholic population and to ensure the continued political dominance of the Protestant/unionist majority and to sustain British rule in Northern Ireland (Ni Aolain 2000). The Widgery Inquiry itself was widely derided as an intentional cover-up or “whitewash” by the British state and it entrenched a deep sense of alienation between the nationalist community and the British government, its security forces, and local pro-British unionist populations (Hegarty 2002: 1165). Taken together, Bloody Sunday and Widgery marked a watershed moment in the Troubles, leading directly to both an upsurge in nationalist recruitment to armed republican paramilitary organizations and an exponential increase in acts of intercommunal violence (Hegarty 2004: 214).

Over the next 25 years, challenges to the Widgery findings began to emerge. In August 1973, following an independent inquest, the Derry city coroner stated his belief that the soldiers of 1st Para had “run amok” and shot “innocent people” on Bloody Sunday in an act of “sheer, unadulterated murder” (Melaugh and McKenna 2013: para. 52). In 1992, the Bloody Sunday Justice Campaign (BSJC) was formed by a small group of the relatives of those killed or wounded during the incident in order to lobby the British government for a new inquiry that they hoped would repudiate Widgery’s conclusions and would recognize the innocence of their family members (McCann 2006: 8–9). In 1994, a report was issued by the nongovernmental human rights organization British-Irish Rights Watch that questioned the credibility of the findings reached by Widgery, citing internal inconsistencies, unreliable forensics, and conflicting evidence in its report (1994). Further evidence emerged in 1996 in the form of documents detailing statements made to Military Police on the evening of Bloody Sunday by the soldiers involved in the shootings. These statements were subsequently analyzed in an additional report by Professor Dermot Walsh of the University of Limerick, which highlighted a number of major material discrepancies between these earlier statements and the testimonies that the implicated members of 1st Para had given in evidence before Widgery (1999). In 1997, author Don Mullan published a widely read book, *Eyewitness Bloody Sunday*, which included an edited collection of eyewitness testimony collected by NICRA activists in the immediate aftermath of Bloody Sunday that had largely been disregarded by Widgery. Notably, this testimony directly challenged the Tribunal’s conclusion that the soldiers of 1st Para had fired on civilians in response to attacks by armed gunmen and bombers (Mullan 2007).

Building upon these earlier investigations, in 1997, the Irish Government released its own highly critical report that deconstructed the evidence, procedures, and conclusions reached by the Widgery Inquiry and found them to be fundamentally flawed (Government of Ireland 1997). This report served as the basis for a formal call by the Irish government for a new independent inquiry into the events of Bloody Sunday. Facing mounting domestic and international pressure, in January 1998, British Prime Minister Tony Blair announced his government’s intention to open an unprecedented second public inquiry into the events of Bloody Sunday to establish the truth about what happened that day in order to help

forge the “way forward to the necessary reconciliation that will be such an important part of building a secure future for the people of Northern Ireland” (BBC 1998: para. 8).

The Bloody Sunday Inquiry

The new Bloody Sunday Inquiry was tasked with the mandate to investigate “the events on Sunday, 30 January 1972 which led to loss of life in connection with the procession on Londonderry on that day, taking account of any new information relevant to events on that day” (Saville, Hoyt, and Toohey 2010: 15). An international tribunal of judges drawn from the Commonwealth and chaired by British Lord Saville of Newdigate was selected to oversee and direct the work of the Inquiry. Established under the British Tribunal of Inquiry Act of 1921, the BSI was granted substantial inquisitorial legal powers to carry out its own independent investigation into the events of Bloody Sunday. These powers included the right to subpoena individuals to provide testimony in public hearings as well as the ability to compel the submission of any documentation deemed relevant to the Inquiry’s investigations. Further, while the Tribunal was not able to grant immunity from prosecution to those who provided statements before the Inquiry, under an undertaking given by the British Attorney General, no oral or written evidence collected by the Inquiry could be used as the basis for future criminal proceedings. This protection was considered essential to the Tribunal’s ability to persuade witnesses to come forward and relate the truth of what occurred without fear of future legal repercussions (Saville et al. 2010).

The BSI began its first public hearings with an opening statement from Lord Saville in April 1998 and concluded the substantive investigative portion of its work in November 2004. Evidence from witnesses was heard primarily in the period between November 2000 and February 2004 at the Inquiry’s primary location in the Derry Guildhall. However, in December 2001, the British Court of Appeal ruled that, in the interests of safety, the evidence of all military witnesses before the Inquiry should occur outside of Northern Ireland. As a result, the work of the Inquiry temporarily moved to Central Hall, Westminster, in London where hearings were conducted between September 2002 and October 2003. During these hearings, military witnesses were also allowed to testify anonymously and to give evidence from behind a partition separating them from the public (Saville et al. 2010).

The BSI was the largest single public inquiry undertaken in the history of the United Kingdom and the scale and scope of the evidence collected by the Inquiry was immense. Over the course of the Inquiry, the Tribunal interviewed and received statements from over 2,500 individuals. Of this number, 922 were called before the Tribunal to give oral evidence, including civilian witnesses, experts and forensic scientists, current and former military personnel, and politicians and civil servants. In addition to this testimony, a huge range of audio/visual documentation was also collected during the Inquiry, including 13 volumes of photographs, 121 audiotapes, and 110 videotapes. However, the scale of the Inquiry’s work was also reflected in its overall expense, with total costs to the British government estimated in excess of £190 million (BSI 2010).

Following several years’ delay during which the Tribunal considered evidence, an extensive 5,000 page Final Report detailing the BSI’s key findings was submitted to the Secretary of State in March 2010 (Saville et al. 2010). This report included a detailed step-by-step recounting of the events of Bloody Sunday and sought to situate the incident within an analysis of the broader context of the conflict in Northern Ireland. The report also drew upon the Inquiry’s findings to reach conclusions regarding ultimate responsibility for the shooting deaths and injuries that occurred on Bloody Sunday. In brief, the report concluded that Colonel Wilford, the Commander of 1st Para, had exceeded the orders given

by his superiors in responding to rioting in the Bogside, creating “a significant risk that people other than soldiers’ justifiable targets would be killed or injured, albeit by accident, from Army gunfire” (Saville et al. 2010: 95). The report also found that the shootings took place following a “serious and widespread loss of fire discipline” among the soldiers of 1st Para who, in the face of severe rioting, had “reacted by losing their self-control and firing themselves, forgetting or ignoring their instructions and training and failing to satisfy themselves that they had identified targets posing a threat of causing death or serious injury” (Saville et al. 2010: 99).

Importantly, while declining to comment directly on the findings of the earlier Widgery Inquiry, the report clearly refuted Widgery’s suggestion that the soldiers of 1st Para had fired only in response to armed republican gunmen and bombers. While noting evidence that some of those shot on Bloody Sunday had been throwing stones and other missiles at soldiers during the riots, the report remained unequivocal that “none of the casualties shot by soldiers of Support Company was armed with a firearm. . . or bomb of any description” and that “none was posing any threat of causing danger or serious injury” to the members of 1st Para at the time they were shot (Saville et al. 2010: 78).³ Further, while the Inquiry found that some of the soldiers of 1st Para may have fired “in fear or panic” in response to the rioting, it also revealed that in a number of instances soldiers shot at civilians who were trying to escape, attempting to surrender, or making efforts to tend to the dead or dying (Saville et al. 2010: 85–87). Furthermore, in several cases the Inquiry found that sworn statements made by members of 1st Para in their testimony before the Tribunal alleging that they had only fired in response to attacks by gunmen and bombers were understood at the time by the soldiers themselves to be false or “knowingly untrue” (Saville et al. 2010: 84–85). As a result, the report ultimately concluded that the shootings on Bloody Sunday were “not a justifiable response to lethal attack by republican paramilitaries, but instead soldiers opening fire unjustifiably” against unarmed and innocent civilians (Saville et al. 2010: 53).

The Final Report of the BSI was officially released to the public on June 15, 2010, to a great deal of local and international media attention and a cheering crowd of thousands that had gathered with the families of those killed and wounded on Bloody Sunday in front of the Derry Guildhall. Crucially, the release of the report was also accompanied by a statement from British Prime Minister David Cameron affirming the Inquiry’s main findings regarding negligence and misconduct by members of 1st Para and the innocence of the civilian victims who were killed and wounded, noting that “what happened on Bloody Sunday was both unjustified and unjustifiable . . . [i]t was wrong” (BBC 2010b: para. 5). This statement was also accompanied by a landmark apology made by Prime Minister Cameron indicating that he was “deeply sorry” on behalf of the British government for those affected by the violence of that day (BBC 2010b).

The Bloody Sunday Inquiry: Contributions to Truth

One of the lasting legacies of Bloody Sunday was the development of deeply divergent interpretations of the day’s events. For the most part, members of the unionist community adhered to the “official” narrative established by the Widgery Tribunal; namely, that the soldiers of 1st Para had acted appropriately on Bloody Sunday to defend themselves against sustained attack by PIRA “gunmen and bombers” and to restore law and order in the Bogside. As a result, while many unionists recognized that some of those killed and wounded may not themselves have been armed when they were shot, most nonetheless considered the victims to be at least partially “deserving” of the Army’s actions since

they were engaged in illegal rioting and were otherwise suspected of providing support for republican paramilitaries operating in the area. As Brian Dougherty, Director of the nongovernmental St. Columbs Park House in Derry, explains:

[F]or a generation, most Protestants grew up believing the British Army side of it, or had the attitude that it was a pity that there wasn't more of them killed—the hell with them, they shouldn't have been on the streets. . . it was very much a blanket view that every Protestant got.

(Brian Dougherty, personal interview, June 28, 2011)

Conversely, members of the nationalist community adhered to a very different “unofficial” counternarrative of events, one based largely on local eyewitness testimony collected from civilians, clergy, and press who were present during the events of Bloody Sunday but whose accounts had been declared inadmissible during the original Widgery Inquiry. This nationalist narrative held that 1st Para had opened fire on unarmed and innocent civilians, crimes that were then covered up and unjustly blamed on the victims themselves by the Widgery Tribunal. As Stephen Ryan of the University of Ulster recounts, “there was never any doubt among any of the nationalists I ever spoke to in the city, that those people were innocent on Bloody Sunday. It was part of the folk memory here, it was an article of faith” (Personal interview, July 1, 2011).

These conflicting narratives surrounding Bloody Sunday served as a focal point of intercommunal polarization and hostility throughout the Troubles and continued to sustain tensions between nationalists and unionists even after the gains made by the peace process. As Brian Dougherty details, for unionists, nationalist claims about Bloody Sunday were viewed as part of an opportunistic “propaganda campaign” that was being used as “a stick to beat the Protestant people” and to unjustly vilify the British state and security forces (Personal interview, June 28, 2011). Conversely, for nationalists, the perceived “cold-blooded murder” of civilians on Bloody Sunday and its subsequent cover-up by the British government served to “demonstrate that the rule of law had been completely abandoned in its attempt to shore up unionist power in the State and that, consequently, a state of war existed” under which reciprocal violence against the British government, its security forces, and even the members of the broader unionist community might be justified (Hegarty 2002: 1167). Further, as Angela Hegarty notes, even after the signing of the Belfast Agreement, Bloody Sunday remained a focus of unresolved nationalist resentment and a “by-word for the perceived injustices” visited by the state and its pro-British unionist supporters upon the nationalist community (2002: 1167).

Accordingly, as a mechanism of truth recovery, perhaps one of the greatest strengths of the BSI was its ability to establish a new—and less divisive—“shared truth” surrounding the controversial events of Bloody Sunday, a truth that has now largely been accepted among both nationalist and unionist communities in Northern Ireland. For nationalists, the Inquiry’s findings brought official recognition to the “unofficial” narratives about Bloody Sunday that had long existed within that community (Mullan 2007). Accordingly, the majority of those experts interviewed in Northern Ireland suggested that, with some reservations, most nationalists believed that the Inquiry had finally “got it right” about Bloody Sunday by clearly acknowledging the innocence of victims and recognizing wrongdoing on the part of the soldiers involved. As Adrian Kerr of the Bloody Sunday Trust contends, “Saville did not have to establish the truth, the truth was already known—Saville just had to acknowledge the truth” (Personal interview, July 1, 2011). Furthermore, despite the fact that the Inquiry was a creation of the British government, interviewees suggested that the majority of

nationalists perceived the members of the Tribunal, their investigation, and the ultimate findings contained in their report to have been fair, truthful, and impartial. As Stephen Ryan notes, “the feeling among the nationalist community in Northern Ireland has always been that British inquiries were biased in favor of the establishment. . . I think [the BSI] may have surprised people in that sense, because it went against the grain of a lot of other public inquiries and found for the victims” (Personal interview, July 1, 2011).

A parallel acceptance of the Inquiry’s findings as a truthful and accurate accounting of the events of Bloody Sunday also appears to have emerged within the unionist community. As one prominent unionist community leader in Derry asserted, “I have no doubt [the Inquiry] got it right. The vast majority of [Protestant] people have now accepted Saville’s Report” (Personal interview, July 1, 2011). Most importantly, a number of interviewees illustrated how widespread acceptance of the findings contained in the Inquiry’s report has challenged and transformed long-standing unionist narratives regarding justifications for the shootings and the status of the Bloody Sunday victims. As Brian Dougherty notes:

[M]y sense is that what came out during the Inquiry has helped to change existing perceptions about what happened [on Bloody Sunday] among Protestants.

The Protestant people are a lot more realistic now, I think they accept that what happened was wrong. (Personal interview, June 28, 2011)

The notion of a fundamental shift in unionist perceptions of Bloody Sunday was echoed by Jim Roddy, Director of the Derry City Centre Initiative, who detailed how upon the release of the Report, “[o]ne Protestant leader turned to me and said, ‘I’ve been in denial for years. It was expedient for me to think that the Paras were right, that people were gunmen and bombers on Bloody Sunday. But this moment now has changed my views’” (Personal interview, June 30, 2011).

The willingness shown by both nationalist and unionist communities to accept the Inquiry’s findings as the definitive “truth” of Bloody Sunday appears to be attributable to the sheer thoroughness of the Tribunal’s investigations, which combined the testimony of hundreds of experts and eyewitnesses with the collection of vast amounts of forensic, audio/visual, and archival evidence. Indeed, the significant amount of time and money invested in the Inquiry’s investigations by the British government, combined with the crucial endorsement of its key findings and subsequent apology by Prime Minister David Cameron, have made the ultimate conclusions reached by the Inquiry almost impossible to refute. As Professor Brandon Hamber of the International Conflict Research Institute (INCORE) notes, “precisely because [the Report] came out after such expense and after so long and was so definitive, it makes it difficult—no matter who you are, no matter what community you are from—to dispute it” (Personal interview, July 1, 2011).

Nevertheless, questions have lingered in both nationalist and unionist communities regarding perceived limitations to some specific aspects of the “truth” that emerged from the Inquiry’s investigations. Within the nationalist community, some critics have charged that the Inquiry was only able to establish a “partial” or “circumscribed” truth about the events of Bloody Sunday. In particular, several interviewees criticized the relatively restrictive operating mandate that limited the Inquiry to investigating Bloody Sunday as an isolated incident instead of placing its shootings within broader patterns of wrongdoings allegedly committed against the nationalist community by the British state and security forces during the Troubles. Similarly, other critics have taken issue with the fact that the Inquiry focused only on the immediate responsibility of the soldiers directly involved on Bloody Sunday and did not move up the “chain of command” to investigate the potential

complicity of senior British political and military officials. As Paul O'Connor, Director of the Derry-based Pat Finucane Centre for Human Rights and Social Change (PFC) observes:

You could think that Bloody Sunday happened because a number of soldiers ran amok and their commanding officer lost control of them—and that's not good enough. The other major failing is that Saville said that in relation to his terms of reference he couldn't look at anything outside of [Bloody Sunday] and talk about the issues of patterns...a year on each side of it we deal with a number of killings by the Army...but [Saville] didn't want to go there in terms of the broader patterns or the broader policies of the Army towards the civilian population and what they actually meant. (Personal interview, June 30, 2011)

Finally, many in the nationalist community have challenged several of the more specific conclusions reached by the BSI. In particular, some remain deeply critical of the Tribunal's suggestion that one of the victims, a 17-year-old named Gerald Donaghy, was "probably" in possession of nail bombs when he was shot—a conclusion that runs counter to several eyewitness accounts alleging that nail bombs had not been on Donaghy when he was treated and taken to hospital (BBC News 2012a). As John Kelly, former Chairman of the BSJC argues:

There are some aspects [of the BSI] where the truth was not delivered, especially in relation to the likes of Gerry Donaghy and the nail bombs. Nail bombs weren't on that young fella but for some reason, Saville declared that they were probably there all the time—not definitely, but probably there all the time. Saville left the nail bombs on that young fella and to me, that was wrong—the nail bombs weren't there. (Personal interview, June 30, 2011)

At the same time, critiques have also emerged from within the unionist community regarding the "truth" forwarded by the Inquiry's findings. For instance, some have argued that the Inquiry failed to adequately situate Bloody Sunday within the broader historical context of the Troubles, during which members of the security forces were frequent targets for armed Republican violence and so would have had legitimate reasons to fear for their safety. As a result, many unionists remain concerned that the Inquiry's findings went too far in creating a "one-sided" truth about Bloody Sunday that unfairly demonizes the implicated soldiers and portrays the nationalist community as being largely blameless in the events that occurred. In support of such arguments, critics cite evidence from the Inquiry's own findings indicating that many of the victims were shot while actively attacking the soldiers with stones and other missiles and that other armed civilians and suspected PIRA members—including Martin McGuinness, then believed to be a leader of the Derry Brigade—were in fact present during the riots that day. As one unionist who is a former member of the policing services argued:

The image you get is the army went in, they indiscriminately shot, and there was nobody there on the other side who did anything. That's not accurate—but that's the impression you get from the Report. It's that the British were always wrong, and that the police and Army always did everything wrong. (Personal interview, June 30, 2011)

Nevertheless, despite these reservations, evidence from expert interviewees suggests that most people living in the city of Derry and in Northern Ireland more broadly have come to accept the official conclusions reached in the Inquiry's Final Report as the definitive historical account of the events of Bloody Sunday. As Angela Ash, a Community Relations Officer with the Derry City Council noted, "there's the wee bits around the edges which for some people are still major issues, but by and large for the vast majority of people they are happy with the truth [that emerged from the Inquiry]" (Personal interview, June 27, 2011). The remarkable level of agreement by both nationalists and unionists about the "shared truth" established by the Inquiry's investigations was highlighted by Sue Divin, another Derry-based Community Relations Officer, who explained that:

the Report has brought a new sense of understanding to the communities around the events of Bloody Sunday, because there was two totally different versions of events as to what happened. . . Now I think there is no one in doubt as to what happened then—you've got a detailed Report outlining every single event of that day and I think that has helped [the communities] to come to terms with it. (Personal interview, June 27, 2011)

The Bloody Sunday Inquiry's Contributions to Justice

Alongside the Inquiry's mandate to establish the truth, it also became the main means for the families of the victims, as well as many of their supporters in the nationalist community, to seek justice for those killed and wounded on Bloody Sunday. Indeed, a central aim of the BSJC in pressing for a new Inquiry was to seek an official acknowledgement of the innocence of the victims and a recognition of responsibility for wrongdoing on the part of the soldiers involved in the shootings (Campbell 2012). This acknowledgement was considered essential to addressing both the original injustice of the shootings themselves as well as the subsequent harms caused by the Widgery Tribunal's attempts to call the victims' actions and intentions into question (McCann 2006). As Tony Doherty—whose own father was killed on Bloody Sunday—recounts, the initial denial of the Army's misconduct in the shootings by the British government only made this pursuit of justice more important for the families of the Bloody Sunday victims:

[T]here was an erroneous and a malicious version of events put out by the British government on the eve of Bloody Sunday, which was backed up by and large by the Inquiry that took place weeks later. That in a sense was a double injustice. First you had those people killed, you had a massacre on these streets. And then you had the British Army and the government propagating a lie internationally, that those they had killed were gunmen and bombers. . . So there was a need to replace a wrong and erroneous version of history and essentially that's what [the BSJC] campaign was about over the years. (Personal interview, July 1, 2011)

This acknowledgement was considered equally important in addressing the lingering sense of injustice felt within the broader nationalist community regarding the events of Bloody Sunday, a feeling that had helped to sustain intercommunity tensions both within the city of Derry itself and across Northern Ireland. As Derry-based community worker Brian Dougherty illustrates:

I don't think Protestants fully recognized what an injustice [Bloody Sunday] was to the nationalist community...Even for the most moderate, the most apolitical Catholic, it was still a huge cloud hanging over them. It was still a huge sense of injustice and regret...There were people who couldn't move on and people who used it as an excuse to continue violence, so it was always there in the city. (Personal interview, June 28, 2011)

Importantly, nationalists' demands for justice were indeed answered by the BSI, which provided an official exoneration of the Bloody Sunday victims—one of the Inquiry's single most significant contributions in the wake of Widgery's biased findings. In large part, this goal was met by the Final Report's clear affirmation that there was no evidence that the victims were armed with guns or bombs or were otherwise posing a threat to the soldiers at the time they were shot. These determinations were further reinforced by the crucial apology made by Prime Minister Cameron upon the release of the report in which he declared that the shootings had been "unjustified," "unjustifiable," and "wrong" (BBC News 2010b). More recently, in September 2011, these key sources of victim acknowledgement were joined by an announcement by the British Ministry of Defense following the publication of the report that it would seek to offer compensation payments of £50,000 apiece to the families of those killed and wounded on Bloody Sunday.

Indeed, among those experts interviewed in Northern Ireland, nearly all stressed the singular importance of the Inquiry's work for helping to fulfill the desire for justice in the form of acknowledgement sought by the families of those killed and wounded on Bloody Sunday.⁴ This accomplishment was clearly illustrated by the former Chairman of the BSJC, John Kelly, who stated in a speech to crowds gathered at the Derry Guildhall on the day of the report's release:

[W]hat matters most, what has mattered over the years, is the innocence of our loved ones. Everything else fades into insignificance compared to the fact that those gunned down on Bloody Sunday were ordinary, decent, innocent Derry people. That was the verdict we wanted and that is the verdict we have today...That is what matters. (Bloody Sunday Trust 2011: 9)

There was a similar consensus among those experts interviewed that the official acknowledgement provided by the Inquiry's Final Report and by Prime Minister Cameron's apology went a long way towards meeting broader nationalist demands for justice associated with the Bloody Sunday shootings. As Tony Doherty explains:

Bloody Sunday was a burden issue and it was a living legacy of the conflict, and a living injustice of the conflict that has now, by and large, been put right. Those that were killed have been vindicated, which has been vitally important not only for the families but also for all those living in the city of Derry. (Personal interview, June 29, 2011)

However, while the BSI may have provided an important source of victim acknowledgement, it has also come under heavy criticism for not being able to provide justice in the form of meaningful accountability for the individual soldiers of 1st Para involved in the Bloody Sunday shootings. The soldiers were allowed to testify anonymously during the Inquiry's investigations and their identities were kept confidential in the findings of the Final Report, where they are referred to only by ciphers such as "Soldier A" or "Soldier F." Further, as

an inquisitorial body, the Inquiry was not itself empowered to render findings of guilt or to initiate potential criminal proceedings based on the outcomes of its investigations, and, at the time of writing, no soldier implicated in potential wrongdoing in the Inquiry's Final Report has faced any kind of criminal sanction for his actions on Bloody Sunday. As Paul O'Connor of the Derry-based PFC notes, these limitations have resulted in a perception among many nationalists that in terms of justice, the Inquiry was "heavy on innocence and light on guilt [as it provided] vindication but not condemnation" (Personal interview, June 30, 2011).

The lingering sense of injustice related to the lack of accountability for the soldiers implicated in the Inquiry's Final Report remains particularly acute for the relatives of those killed and wounded on Bloody Sunday. While a number of those involved in the BSJC indicate that they feel vindicated by the Inquiry's acknowledgement of the innocence of their loved ones, others continue to believe that justice will not truly be achieved until the soldiers involved face criminal prosecution for their actions. For a small number of families, this push for prosecution has been limited to seeking legal action for the potential crime of perjury committed by those soldiers found by the Inquiry to have provided statements before the Tribunal that were "false" and "knowingly" untrue. Nonetheless, most families associated with the BSJC strongly support the pursuit of criminal prosecutions for potential crimes committed by the soldiers on Bloody Sunday itself in order to allow them to finally put the past to rest (McDonald 2010). As John Kelly, former Chair of the BSJC has argued, in the wake of the release of the Inquiry's findings, that:

[j]ustice now has to be seen to be done. Prosecutions have to happen to close the door on Bloody Sunday. That's the way I feel, that's the way I see it . . . I want to see Soldier F again, in a court, being prosecuted for the murder of my brother and the murders of others . . . That would be justice for me, that would be closure for me, and I could move on . . . A lot of the families feel the same way, the biggest majority of the families all still want prosecutions. (Personal interview, June 30, 2011)

Accordingly, following the completion of the Inquiry's work, a copy of its Final Report was forwarded to the Public Prosecution Service of Northern Ireland (PPS) to determine whether future criminal prosecutions might be warranted. Following a two-year review of the BSI's findings by the PPS, on July 5, 2012, the Police Service of Northern Ireland announced that it would be launching a new large-scale investigation into potential murder and attempted murder charges connected to the Bloody Sunday shootings. This announcement was warmly received by many of the victims' families as a "step in the right direction" in their quest for justice (BBC News 2012b). While it remains to be seen whether these investigations will ultimately result in criminal prosecutions for the implicated soldiers, it is likely that proving guilt will be extremely difficult given the substantial issues surrounding evidence degradation in cases that are now more than 40 years old and the restrictions against using testimony collected during the BSI in future criminal proceedings (BBC 2010c).

Finally, resentment over the lack of criminal accountability for the soldiers of 1st Para has been further compounded by perceptions that the Inquiry did not go far enough in investigating broader questions of responsibility for Bloody Sunday. As noted earlier, the Inquiry has been criticized for limiting its conclusions regarding accountability to the few foot soldiers directly involved in carrying out the shootings while neglecting to examine potential accountability for senior political and military leaders within the British government. Further, others have noted that the BSI managed to sidestep issuing

any kind of judgment on the flawed findings of the earlier Widgery Tribunal—including concerns that these findings may have stemmed from an intentional cover-up by the British government—by declaring these questions outside the Inquiry’s mandate. This limitation has contributed to a sense within the nationalist community that the Inquiry’s investigations may have let key figures and institutions within the British state “off the hook” for their potential complicity in the events surrounding Bloody Sunday. As Adrian Kerr of the Bloody Sunday Trust contends:

When it comes to establishing the innocence of the victims, with the exception of Gerry Donaghy, [the Report] was very good. But if you wanted the guilt acknowledged as well, you haven’t—it’s not there in the Report. . . . What have we got—eight soldiers and an officer accused of doing wrong? This wasn’t a few soldiers losing their heads. The whole planning of Bloody Sunday, the whole political and military strategy around it disappeared [and] the entire Widgery Tribunal was never part of Saville’s remit from the start. . . . So [the Inquiry] fails very much on all issues around blame and guilt. (Personal interview, July 1, 2011)

Truth, Justice, and Bloody Sunday: Contributions to Reconciliation

At the time of writing, there is initial evidence to suggest that by promoting crucial aspects of both truth and justice surrounding the events of Bloody Sunday, the BSI has made several key contributions to ongoing processes of intergroup reconciliation between nationalist and unionist communities in the city of Derry. Perhaps the most evident impact of the BSI in this respect has been the Inquiry’s ability to help bring closure to and to aid processes of personal healing for the families of the Bloody Sunday victims. This healing appears to be directly linked to the official acknowledgement (by both the BSI itself and subsequently by Prime Minister Cameron) of the innocence of the victims who were killed and wounded on Bloody Sunday. As Conal McFeely of the Bloody Sunday Trust explains, “that stain on the dead men’s reputation was to linger for almost forty years until, on 15 June 2010, they were all fully and finally exonerated. . . . The families can rest now that the truth has been set free and the innocence of their loved ones has been acknowledged officially” (Bloody Sunday Trust 2011: 3). Notably, interviewees suggested that this sense of closure was shared by the majority of the family members involved with the BSJC, including those who still wish to see members of 1st Para prosecuted for their actions on Bloody Sunday. As Tony Doherty indicates:

I think [the Inquiry] has been good, I think it has been beneficial for me and for a lot of the other families as well because I think for the first time ever people are using the phrase “moving on.” Even the families which want prosecutions for murder, they would still use the phrase “moving on.” Now it’s up to the authorities to do a job of work to move on with the prosecutions, but they are still saying they’re moving on and I think it’s time. (Personal interview, June 29, 2011)

At a broader level, early evidence suggests that the Inquiry’s work has made significant inroads in advancing ongoing processes of intercommunity reconciliation by helping to defuse an extremely contentious issue that long divided nationalists and unionists in the

city of Derry. Interviewees variously noted that the Inquiry's work served to "lift a dark cloud" from the city, to "open a release valve," to "lance an ongoing sore," and to "heal a wound," comments suggesting that the report has cleared the space for more positive intercommunity relations in the future. As Professor Brandon Hamber of the Derry-based International Conflict Research Institute (INCORE) argues:

[The Inquiry's Report] released something, it released something in the city. It released this thing that had been sitting there for over 30 years. No matter how you felt about [the report], there was a sense that this was done, this was the result, and now we deal with the result. It lifted a sense of tension that had been an underlying issue between the different communities for a long time. (Personal interview, July 1, 2011)

More specifically, the Inquiry's work in forwarding key aspects of "truth" and "justice" has created new opportunities for understanding and acceptance between nationalists and unionists, opportunities that have alleviated the intercommunal pressures previously exerted by the events surrounding Bloody Sunday. For unionists, the official acknowledgement of responsibility by the British government for the Bloody Sunday shootings appears to have brought a new willingness to empathize with the suffering experienced by the victims and their families and to recognize the validity of long-standing nationalist grievances about the incident. As Adrian Kerr of the Bloody Sunday Trust noted, acceptance of the Inquiry's findings about the "truth" of Bloody Sunday:

allowed a lot of unionists to admit what they already knew... so for a lot of people [the Inquiry] would have taken away the divisive nature of Bloody Sunday. They knew in their hearts it was wrong, but because it happened to the other side they couldn't say it. But once their leaders were able to say it, then they were too and able to look at it as a human issue rather than a sectarian issue... unionists would have been watching that and saying, "those are people just like us. This isn't an IRA front, this is just a group of families." (Personal interview, July 1, 2011)

In a similar vein, other interviewees emphasized that the official acknowledgement and recognition provided by the Inquiry's Final Report and Prime Minister Cameron's subsequent apology have led to an increased openness among nationalists to try to engage with, to understand, and to relate to their unionist counterparts in Northern Ireland. As Jim Roddy illustrates:

To hear the British Tory Prime Minister saying we were wrong—that's moved mountains. For those within the Catholic nationalist republican community... this has allowed them to heal within themselves, to stretch out and open their ears, and to hear how the other person feels. We've a long way to go on that, but it's certainly been a massive push down the road. There are small steps we've been taking, but that day [of the report's release] we took a giant leap—we really did. (Personal interview, June 30, 2011)

Moreover, a number of experts interviewed suggested that levels of fear, suspicion, and mistrust between nationalists and unionists in the city of Derry have been on the decline since the release of the Inquiry's Final Report. As evidence, many noted an increased

willingness among local populations to bridge traditional communal divides in the wake of the BSI's findings. For instance, several interviewees, including Stephen Ryan of the University of Ulster, stressed that the provisions of truth and justice provided by the Inquiry have helped to "open the door" for both communities to work together and observed that "the acknowledgement of the wrong that had been done [has made] people more willing to engage with people from other communities" (Personal interview, July 1, 2011). This point was made perhaps most clearly by John Kelly, who highlights how the Inquiry's work has helped to break down barriers to more positive intercommunity relations:

There is definitely now a greater community spirit in this city between both sides. People are talking more openly with one another—there's good things happening here . . . Whereas before, the story that [unionists] would have believed is that [the victims] were all IRA gunman and bombers. And the fact now that this has been proven false has made it more approachable and encouraged them to come in to us and sit down and chat. . . . Within the communities themselves there's a greater understanding of each other nowadays and people are sitting down and talking to one another in a way they've never done before. (Personal interview, June 30, 2011)

Concrete evidence of this new willingness to engage across community lines was displayed by the highly symbolic gesture made by prominent leaders of the Protestant clergy in Derry who travelled to the nationalist area of the Bogside the day after the Inquiry's Final Report was released to extend a "hand of friendship" to family members of those killed and wounded on Bloody Sunday. The leaders explained during the event that they hoped the visit would "mark the beginning of a new peace and togetherness in the city," based on the belief that the Inquiry's findings had presented "an opportunity for new and closer relationships within our wider community" and occasioned "a decisive turning point in reaching out to one another" (BBC News 2010d: paras. 5–6). The seminal importance of the Inquiry's work in making such acts of intercommunity reconciliation possible was highlighted by Sue Divin, who remarked, "I don't think prior to Saville that would have happened. . . . There are now individuals really willing to put their heads above the parapet a bit and make gestures and try to build relations . . . and [the Inquiry] has been one of the key things to really move things forward" (Personal interview, June 24, 2011).

Interviewees also noted that the Inquiry's work in alleviating intercommunal tensions surrounding Bloody Sunday has also helped to encourage a number of other seminal cross-community events. Some highlighted the widespread enthusiasm from both communities that greeted the 2011 opening of the "Peace Bridge" built across the River Foyle to link the largely segregated Catholic "City-side" with the predominantly Protestant "Waterside" area of Derry. Others pointed towards the cross-community support for the recognition of Derry as the "UK City of Culture" in 2013—an award that would once have aroused sectarian tensions given its tacit recognition of Northern Ireland's rule by Britain. In addition, several other interviewees highlighted the significance of unprecedented cross-community attendance—including the presence of Sinn Fein's Deputy First-Minister Martin McGuinness—at the reopening of Derry's Protestant First Presbyterian church in Derry in June 2011. As Angela Ash contends, such events simply would not have been possible had the issues surrounding Bloody Sunday not first been resolved. As she explains, "there generally is now an air in the city that it is possible to do more things. [The Inquiry] was a major moment for reconciliation and so now other smaller moments of reconciliation can happen because that big wound has been addressed" (Personal interview, June 24, 2011).

Finally, there is also evidence to suggest that the Inquiry's ability to deliver aspects of truth and justice in response to Bloody Sunday contributed centrally to the ongoing process of rebuilding nationalist trust in the British state and the rule of law in Northern Ireland. As several interviewees argued, the perceived impartiality of the Inquiry's investigations regarding Bloody Sunday and the subsequent apology by Prime Minister Cameron were crucial steps towards beginning the related processes of political reconciliation needed to repair the damaged relationship between the nationalist community and the judiciary and security forces of the British state. The key significance of the Inquiry's work in this regard was noted by Tony Doherty, who suggests that:

the way the British government and David Cameron approached the situation and handled the situation made [the Inquiry] a story of reconciliation. Not just reconciliation between nationalists and the unionist community, but in a sense reconciliation between nationalist Derry and the British government . . . That's good for political relations and it's good for community relations . . . people feel good about what has been achieved, good about what has been said, and I think they feel far better about their future than they ever did. (Personal interview, June 29, 2011)

Conclusion: Dealing With the Past in Northern Ireland

The Bloody Sunday Inquiry is one of the most prominent initiatives undertaken to date to provide truth and justice for Troubles-era abuses as part of Northern Ireland's uniquely decentralized and "piecemeal" approach to transitional justice. This analysis suggests that the work of the Inquiry has been vital in helping to put to rest one of the single most contentious events of Northern Ireland's violent past. While a few specific aspects of the conclusions contained in the Inquiry's Final Report are still under debate, the perceived impartiality and thoroughness of the Inquiry's investigations have helped to establish a new "shared truth" about Bloody Sunday that is now largely accepted by nationalists and unionists alike in the city of Derry. In addition, while many of the families of those killed and wounded continue to seek greater accountability for the soldiers implicated in the shootings, the official acknowledgement of the innocence of the Bloody Sunday victims appears to have satisfied one of the key demands for justice and to have provided an important source of closure.

Most significantly, by advancing these key aspects of truth and justice regarding the events of Bloody Sunday, evidence suggests that the Inquiry has been able to make several crucial contributions to ongoing processes of reconciliation between nationalists and unionists in Derry. In particular, by reducing long-standing feelings of injustice and minimizing conflicting perceptions surrounding the events of Bloody Sunday, the Inquiry has been able to remove a key source of intercommunity tension that impelled the early violence of the Troubles and that continued to divide nationalists and unionists even after the signing of the Belfast Agreement. Moreover, by creating new opportunities for increased understanding and empathy, the Inquiry appears to have contributed directly to a new willingness on behalf of both nationalists and unionists to engage across community lines. There is also limited evidence to suggest that the perceived impartiality of the Inquiry's work, coupled with Prime Minister Cameron's landmark apology, may have opened a new chapter in the relationship between nationalists and the British state and security forces that was deeply damaged by the events of Bloody Sunday.

That said, despite these gains, it is equally evident that the work of the Inquiry ultimately represents only one small step on the long road to reconciliation in Northern Ireland. While there is substantial evidence to suggest that the Inquiry's work has been instrumental in promoting social learning and intercommunal reconciliation within the city of Derry, these advances have not necessarily led to improved intercommunity relations across the larger context of Northern Ireland. Indeed, while the Inquiry may have helped to clarify events and to reduce intercommunal tensions between nationalists and unionists surrounding the events of Bloody Sunday, antagonistic perceptions of the broader conflict have been left largely unchanged. In large part, this is due to the fact that even after the gains of the peace process, there is still little agreement as to the broader "metanarrative" regarding moral responsibility for the violence of the Troubles or as to which actors should be regarded as the rightful "victims" or "perpetrators" of the conflict (Bell 2003; Aiken 2010).

In this environment, dealing with the legacies of past violence remains a highly politicized issue that continues to divide nationalist and unionist communities. Attempts to address Troubles-era abuses more comprehensively in the country have therefore been impeded by concerns that such efforts might potentially be appropriated to privilege the narrative of one community over the other. Many nationalists have expressed fears that truth-telling might create a "hierarchy of victims" in which victims from the republican or nationalist communities would be considered less deserving of recognition and support than would unionists or members of the security forces. Conversely, from some unionists, there is continued resistance to treating republican victims of violence as equivalent to those from the unionist community or government security forces who were killed during the Troubles by IRA "terrorists" (Lawther 2013).

As a result, while a degree of closure has been brought to some specific events like Bloody Sunday through Northern Ireland's current "piecemeal" approach to the past, there still remain hundreds of highly controversial deaths related to other incidents of Troubles-era violence in Northern Ireland for which crucial elements of truth and justice have still not been provided. The danger of this "piecemeal" approach is that "one-off" transitional justice interventions such as the Bloody Sunday Inquiry can continue to be interpreted through the zero-sum lens of existing intercommunity divides regarding the past. This was made clear by the questions raised by many senior unionist politicians upon the release of the Inquiry's Final Report as to why so much time and money had been spent seeking truth and justice for nationalists while many cases in which members of the unionist community or security forces were victimized have yet to receive anywhere near the same commitment of resources.⁴ As Jeffrey Donaldson, Member of Parliament for the Democratic Unionist Party argued, "the difficulty is that we have the truth on one side, but not the truth on the other . . . while we regret every death, we must not lose sight of the need for balance" (BBC News 2010a: paras. 16–18). This tension was reflected in a similar statement by Ulster Unionist leader Sir Reg Empey, who noted that, "while some families may have had a degree of closure today, very many others have not been so fortunate" (BBC News 2010a: para. 28). However, the inherent divisiveness of this perceived inequality in dealing with the past was perhaps most clearly illustrated in the strong reaction to the release of the BSI's Report by Jim Allister, leader of the Traditional Unionist Voice Party, who announced that:

my primary thoughts today are with the thousands of innocent victims of the IRA who have never had justice, nor benefitted from any inquiry into why their loved ones died. Thus today's jamboree over the Saville report throws

into very sharp relief the unacceptable and perverse hierarchy of victims which the preferential treatment of “Bloody Sunday” has created. (BBC News 2010a: paras. 38–39).⁵

Accordingly, while there exists a widespread consensus that dealing with the past remains central to the ongoing process of intercommunity reconciliation in Northern Ireland, there is now evidence to suggest that the current “piecemeal” approach to truth and justice may be having—at least in the short term—the unintended effect of reinforcing, rather than reducing, intergroup tensions between nationalist and unionist communities (Lundy 2010; Lawther 2013; Aiken 2013a). Nonetheless, at the time of writing, attempts to deal more comprehensively, and perhaps more productively, with the past in Northern Ireland appear unlikely in the near future. This roadblock has been nowhere more evident than in reactions to the recent work done by Northern Ireland’s Consultative Group on the Past Northern Ireland (CGPNI). The CGPNI was commissioned by the British government in 2007 to investigate the possibility of creating a centralized transitional justice intervention that could help to advance intercommunal reconciliation in the country. In 2009, following consultations with nationalist, unionist, and British stakeholders, the CGPNI released a highly regarded report that outlined suggestions for the development of a truth-commission-like national “Legacy Commission,” a dedicated Investigations Unit, an inclusive victim-support forum, and a standardized reparation or “recognition” payments to all those killed—regardless of their background—during the Troubles (CGPNI 2009). However, upon its release, the report was met with bitter protests, particularly from unionists who rejected the implied equivalence of all victims killed in the conflict contained in the CGPNI’s reparations proposals (Burns 2009). As a result, the entire package of recommendations put forward by the CGPNI quickly lost support, and to date there is little evidence of political will to move forward with these proposals (Northern Ireland Affairs Committee 2009; *Belfast Telegraph* 2011). Regardless, the lessons of the Bloody Sunday Inquiry suggest that, despite the BSI’s singular contributions to intercommunity relations in the city of Derry, lasting reconciliation and sustainable peace between nationalists and unionists in Northern Ireland is likely to remain elusive until a more comprehensive, inclusive, and equitable way to seek truth and justice for all sides involved in the conflict can be found.

Notes

1. A 14th victim, John Johnston, was also shot and died several months later of a brain tumor that some have attributed to the injuries he received on Bloody Sunday.
2. Expert interviews were selected via a “key informant” purposive sampling of academics, government officials, civil society representatives, and nongovernmental community leaders based on their relevant knowledge and ability to provide insight on the reconciliatory impact of the BSI in the city of Derry (Schutt 2009). While no claims are made as to broader representativeness, this sample included individuals from nationalist and unionist backgrounds as well as several family members of those killed and wounded on Bloody Sunday. Given space constraints, the quotations that appear in this article were selected for their ability to reflect dominant themes highlighted by interviewees. Interviewees who asked to have their comments remain anonymous are identified here by their positions rather than by name.
3. The one notable exception is Gerald Donaghy, a 17-year-old youth that the Tribunal concludes was “probably” in possession of nail bombs when he was killed. However, the report is nonetheless clear that Donaghy was “not preparing or attempting to throw a nail bomb when he was shot . . . and

we are equally sure that he was not shot because of his possession of nail bombs. He was shot while trying to escape from the soldiers" (Saville et al. 2010: 86).

4. That said, several interviewees highlighted that there remains one notable—and deeply contentious—exception regarding the justice received by families in the case of Gerald Donaghy, the youth whom the Tribunal determined was "probably" was in possession of nail bombs when he was shot and killed. As Gerald Donaghy's niece Geraldine Doherty has claimed, "For us, it's still not finished. We have to keep fighting on and do whatever we have to do to get Gerald's name cleared" (BBC News 2012a: para. 7).
5. This includes incidents such as the 1972 Claudy Bombing that claimed the lives of nine civilians and the 1976 Kingsmill Massacre in which 10 unarmed Protestant men were allegedly shot and killed by the PIRA.
6. Such concerns over potential inequities in dealing with the past been made even more pressing in light of recent statements by the British government that, given the BSI's significant length and expense, it has effectively ruled out the use of a similar inquiry model to explore other unresolved Troubles-era deaths (BBC News 2011).

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