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Minister for Foreign Affairs (Mr. D. Ahern): I very much welcome this timely debate on a very important issue, particularly for the families of those unjustly executed.

This year marks the 90th anniversaries of the Easter Rising and the Battle of the Somme. For too long, the experiences of Irishmen who fought in the First World War, and the losses suffered by their families, were not talked about or commemorated as they deserved. In recent years, we have taken steps to change that, something perhaps best exemplified by the joint inauguration by President McAleese and Queen Elizabeth II of the Memorial Peace Park at Messines in 1998. There, supported by Government funds, a round tower has been built using stones from every county in Ireland.

On those foreign fields, the men of the 16th Irish Division and the 36th Ulster Division fought side by side, just as other young men from this island fought side by side for four awful years from the Somme to Gallipoli. Altogether, perhaps 50,000 young men from this island did not return. As long ago as 1966, the late Taoiseach, Seán Lemass, commented as follows.

In later years it was common — and I was also guilty in this respect — to question the motives of those men who joined the new British armies formed at the outbreak of the war, but it must, in their honour and in fairness to their memory, be said that they were motivated by the highest purpose.

We share that sentiment and will therefore mark the anniversary of the Battle of the Somme in a fitting manner in July. This year will also mark the 90th anniversaries of the deaths of eight of the 26 young Irish volunteers executed while serving in the British army during the First World War. For their families, as for the families of each individual who fell at the Somme, those were terrible and painful events which had a permanent impact on their lives.

It was in the spirit of recognising the experience and sacrifice of all our countrymen who fell during the First World War that the Government lent its support to the campaign to secure pardons for the 26 Irishmen shot at dawn, that is, executed for military offences between 1914 and 1918. In October 2004, the Government formally submitted a comprehensive report on the issue to the British Foreign and Commonwealth Office through our embassy in London. Prepared using material from the original British Ministry of Defence case files, the report thoroughly evaluated the men's courts martial and sentencing.

In its findings, the report described a military system of justice that was seriously flawed, that appeared to ignore clear evidence of medical afflictions, and that was marked by class bias and a disparity in the treatment of different nationalities, including in particular Irish soldiers. This report is not an attempt to rewrite history or to impose today's norms on the past. The simple reality is that the offences for which these men were executed, and the manner in which they were tried and found guilty, were the subject of concern and controversy at the time. In response to increasing public concern and political campaigning both during and after the war, the British Parliament decided by 1930 that these offences should no longer carry the death

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penalty. It is clear, therefore, that these executions during the First World War gave rise to grave concern 90 years ago and they continue to do so today, so much so that they have become the subject of an ongoing campaign in Britain and Ireland. The Irish Shot at Dawn Campaign has attracted overwhelming support across political and religious divides, North and South. In 1999, Mr. John Hume and the Reverend Ian Paisley together sponsored a Bill on this subject in the House of Commons.

A substantive response to our report by the British Government has been delayed by a legal petition for pardon on behalf of the British soldier, Private Harry Farr, lodged by his daughter. The latest hearing in this case was held yesterday and it is our hope that a judgment will be forthcoming before the end of July. The Farr case has the potential to be resolved in a manner that would set a wide precedent affecting the Irish cases and, therefore, while that case is before the courts, the British Government has indicated that it is not in a position to respond comprehensively to our concerns. Nevertheless, we are in regular contact at official level to ensure a satisfactory resolution to this matter is secured in the shortest timeframe.

However, to facilitate a fully informed debate in the Seanad, I decided to lay the Government's report on this issue, which we gave to the British in October 2004, before the Oireachtas. The text of the report has not been released until now, [\[301\]](#) although the case files have been publicly available since 1990. The report also draws on the published research of the Irish campaign headed by Peter Mulvany — whom I met earlier and who is present in the House — and of respected authors such as Dr. Gerard Oram, Julian Putkowski, Julian Sykes and Myles Dungan, among many others.

We have been in regular contact with the British Government on this issue since the submission of the report and it is our firm hope that this will lead to a mutually agreeable solution. While there are differences between ourselves and the British Government on the issues raised in the report, the British Government is cognisant of the need to address them. In our contacts, the British Government has made clear it is also motivated by an enduring desire to ease the pain and suffering of the families of all the 306 men who were shot at dawn, including the 26 Irish cases examined in our report. Our unwavering objective is to engage in finding an agreed resolution on this issue that would bring comfort to the families of those executed.

This issue is emotive but the merits of our arguments are strong and compelling and that is why they have gained such widespread support. The full force of this issue is, however, impossible to comprehend without firmly grounding it in the human experiences of those involved. It would be wrong to take one case to stand for the others. I therefore recommend that anyone with an interest in the issue should take the time to read the report and the case histories it contains. However, it would be equally misguided not to try to imagine the conditions in which these volunteers found themselves — the situations in which some were charged and executed for cowardice or deserting their post, without any proper recognition of medical conditions like shell-shock or the appalling pressures soldiers on the front faced on a daily basis.

One testimony from a member of the Irish division caught in a poison gas attack at Loos in

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1916 gives an idea of the nature of this war and its overwhelming effect on the young men who found themselves in the middle of every awful aspect of it, namely, the shelling, the trenches, the charges into no-man's land, the shell-shock and, in this case, the poison gas. He stated:

Luckily for us, with the rising sun the wind began to change and we immediately counter-attacked and drove the enemy off, but the Dublin Fusiliers had been caught unawares and their casualties were very heavy. When it was over, I had the sad job of collecting and burying the dead. They were in all sorts of tragic attitudes, some of them holding hands like children in the dark. They were nearly all gassed and I buried about 60 of them in an enormous shell hole.

A total of 338 Irishmen died in that attack. Tom Kettle, one time Nationalist MP for Tyrone, was [302]killed at the Somme. That year he wrote to the leaders of the Easter Rising stating: "These men will go down in history as heroes and martyrs; and I will go down — if I go down at all — as a bloody British officer."

It is the intent of the Government that this is not how he or any of the Irishmen who fought in the First World War should be remembered and it is our intention, therefore, to honour their memory. As in the case of those "shot at dawn", it is our objective to recover their memory from the dishonour that was done to them 90 years ago. It is an act of national solidarity with those of our countrymen who volunteered to fight in a truly terrible war and with the always complex and often tragic experiences of previous generations as a whole. It is the whole range of our experiences across all traditions that has shaped our present from which we are determined to build a shared future on this island never rewriting the past but always seeking to understand it better, and honour the memories, sacrifice and vision of all those who came before.

Mr. B. Hayes:

☺I wish to share time with Senator Feighan.

I welcome the Minister to the House and I thank the Government for providing time for this important debate. Senator Mooney, who has a long-standing interest in this issue, Senator Norris and I have sought a debate for a long time. I also welcome Mr. Peter Mulvany and his campaign team to the House. They have done trojan work in recent years to ensure this issue is taken seriously at political level. I welcome the production of the report on these soldiers by the Minister's Department, which was sent to the Foreign Office and it is important that pressure be maintained in this regard.

The debate is important now because the case of Private Harry Farr is before the British High Court and a determination in the case will be made shortly. We will have to wait to see whether the case has implications for the other 305 victims in this scenario. The debate is also important because I was heartened to hear from a colleague, Lord Alfred Dubs, who raised a question on the floor of the House of Lords in this regard recently. A total of 30 Lords backed his position

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that the British Government needs to move on this issue and that is encouraging. Cross-party support was achieved in both the House of Commons and the House of Lords. It is also important to debate this issue now because the British Prime Minister has a great knowledge of Ireland and the peace process and he recognises the importance of this as an outstanding issue in terms of moving forward together in reconciliation while acknowledging our troubled past.

My great grandfather was taken prisoner at the Battle of Mons, ten miles from Brussels, in 1916. He was held for two years in a German concentration camp before returning in 1918 to a country that had been totally transformed as a result [303]of what happened in 1916. He spoke passionately to older members of my family about the awful events in the trenches and the huge contribution made by Irish people, North and South, from all backgrounds to that awful campaign. My father was in the RAF in the Second World War, of which I am proud. He, along with many other people, took a stance against Naziism and the rise of fascism. There is a long-standing connection between the British Army and Ireland, in which we should take genuine pride because of the contributions of many thousands of Irish people during the First and Second World Wars.

One of the great stains on that noble tradition and connection is that 306 people, 26 of whom were Irish, were butchered as a result of appalling courts martial during and following the First World War. I do not see this as rewriting history in any shape or form, but as a means of righting a wrong and ensuring that their great contribution is recognised, not just by their families but by this country and Britain, their place in history is never forgotten and their position is cherished.

We have new evidence which questions the full nature and scope of the courts martial and I ask the British Government to respond to this issue. We know, for example, that many executions were commuted at the time because of the involvement of King George V or because of one's class. If those sentenced were from a well-to-do background, their execution was commuted, despite being guilty of appalling offences — offences that in the 1930s became irrelevant.

Has the Government examined the possibility of introducing legislation in this area to, in effect, give a retrospective pardon to the 26 Irish people? When we gained independence in 1921, we automatically took responsibility for all of the laws in place prior to that date. One of those laws allowed heinous courts martial which permitted execution. Have we examined the possibility, through the Attorney General, of providing our own retrospective pardon for the 26 Irish people killed in this manner? New Zealand has pardoned its people who were involved, but it is a member of the Commonwealth. We should consider this because we have a responsibility for all Acts passed, albeit by a foreign Parliament, before 1921. The issue of the executions is an issue the New Zealand Government raised successfully.

Those who took part in the war and who followed the advice given by John Redmond at Woodenbridge, “We must go where the fighting is fiercest”, were volunteers and not conscripts. They fought for Ireland, their country and the home rule and independence cherished at that time. We must remember them and ensure their memory and contribution to this country are never forgotten. In doing that, we must embrace the mutual understanding of

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history which allows green and orange come together and allows a new reconciliation North and South. The fact that two diverse politicians such as John Hume and Ian [304]Paisley could sponsor a Bill on this shows that this is an issue that can bring people together.

I welcome the Bill published by Andrew Mackinlay, MP, a Labour Party member and colleague of ours on the British-Irish Interparliamentary Body. He and others have done an important job in this area as has our Government. I hope we can move forward together on this issue over the coming weeks or months.

Mr. Feighan:

①②I thank Senator Brian Hayes for sharing time with me. I welcome the Minister to the House and welcome this debate. I went with Senator Mooney and the Connacht Rangers to Flanders 18 months ago and was taken aback by the huge sacrifice of soldiers and of the Irish regiments there. When Irish people who fought in the First World War returned home they returned to a different political climate and much of the time were not recognised for their valour during that awful war.

Files kept secret by the British Government for 75 years and released in 1990 indicated that 26 Irish-born soldiers were shot at dawn, part of the 306 British and Commonwealth soldiers shot. Most of those soldiers suffered from shell-shock and many of them were underage boys. It was encouraging to note that the 16th Irish Division and the Unionist, 36th Ulster Division fought side by side at the Battle of Messines. It is encouraging that both sides can come together. We can do the same again.

None of the men who were shot were charged with what would be viewed as a serious military crime, such as treachery, deserting to the enemy or mutiny. The real cowards in the executions were the powerful elite. It is wrong that this issue was not dealt with years ago. I pay tribute to those on all sides and the Government on their effort to clear the names of these men. Senator Brian Hayes highlighted the fact that those in higher officer were granted clemency by King George V. Now is the time to exonerate the 306 soldiers, among whom were the 26 Irish soldiers who fought valiantly. At the time they displayed a sense of adventure and were fighting for a united Ireland and home rule. They should be shown clemency.

Mr. Mooney:

①②I welcome the Minister for Foreign Affairs, Deputy Dermot Ahern, to the House. This is an historic debate. In my time here I have not seen a subject that received such overwhelming support across all sections of the House. The spirit of conciliation that permeates the Minister's contribution demonstrates that this issue is about reconciliation, not blame or criticism. I hope the contribution of the House goes some way towards advancing the desire of the surviving families of those shot at dawn for a final resolution of the problem.

It is salutary to note that during and following the First World War, over 3,000 men were sentenced to death under the Army Act between [305]August 1914 and March 1920, but that 90% of those verdicts were commuted. In echoing the Minister's emotive and correct

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interpretation and relation of the history of those times to a present day audience, it is salutary to remember that the daily average casualties during the war numbered 2,000 and included 400 fatalities. It was absolute carnage.

Senator Brian Hayes rightly referred to the lack of awareness in the British military establishment of shell-shock and the impact of war, particularly on young servicemen. The reason the establishment carried out the executions — I know it is difficult to look back and get one's head around circumstances and attitudes of the time — was as a deterrent. Anthony Babington's 1983 book, the first published on this matter, was aptly entitled *For the Sake of Example*. The report states that while execution may have been effective in that respect, a general read through the case files of the 26 Irish soldiers reveals starkly that each man was subjected to an inconsistent, capricious and unpredictable court martial system. It is obvious from reading this painful report that the military establishment at the time was not only flawed in its judgment but had a strong anti-Irish bias.

While it is true that this happened a long time ago, the British Government suppressed the details of the shot at dawn soldiers for 75 years. It kept the information under lock and key, such were the sensitivities involved. It is only since the details emerged in 1990 and the seminal book on the subject, *Shot at Dawn*, by Mr. Julian Putowski and Mr. Julian Sykes was published, giving the excruciating, painful and emotive detail of how these people were shot, that the issue came into the public arena.

An English soldier called Private Ingham of the Manchester Regiment was shot at dawn on 1 December. At the time, the authorities had written to his father to tell him that his son had died of gunshot wounds. When he found out the truth years later he insisted that the Commonwealth graves commission, which is responsible for maintaining graves of servicemen all over the world, put the following inscription on his son's tombstone:

"Shot at dawn
One of the first to enlist
A worthy son of his father."

Even then, there was an awareness among the families that a cruel injustice had been done to their kinfolk.

The current campaign comes about as a result of the increasingly close relationship between the United Kingdom and Ireland. It is also due, as the Minister pointed out, to a belated but welcome acknowledgement that those who joined the Irish regiments of the British army and those of Irish birth who joined in the United Kingdom, were no less Irish than those who subsequently fought for ^[306]Irish independence. The shadow of the rising darkened the judgment of that generation and while the rebellion of 1916 was the catalyst for subsequent events, it was the period between 1919 and 1921 which delivered a sovereign Parliament, albeit a partitioned one, and many of those who fought for independence during that period learned their military skills in the Great War and had worn the uniform of the British army.

I wish to acknowledge the outstanding work of Mr. Peter Mulvany and also the great grand

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nephew of Private Downey, one of the men referred to in the recently published report. I also wish to acknowledge the enormous contribution of Mr. Andrew Mackinlay, our colleague on the British-Irish Interparliamentary Body, over many years, against the odds and the wishes of some at the highest level in his own party. I also salute Lord Alfred Dubs who, following the joint initiative of myself and Senator Maurice Hayes at the plenary session of the interparliamentary body in Edinburgh in November, took up the case again in the British House of Lords. That debate, to which Senator Maurice Hayes referred, has also rekindled a great deal of interest across all parties in the United Kingdom.

Given the ongoing discussions that Senator Maurice Hayes and I are having with our colleagues in the British Parliament, it is clear that this issue is not going to go away. Support for this issue is increasing among those of all parties and none and through the case of Private Farr in the courts, it is drawing the attention of the general media in the United Kingdom. I wish to outline, for the record, the aforementioned case.

Private Harry Farr enlisted in 1910 in the West Yorkshire Regiment, at the age of either 16 or 17, although he told the recruiting officer he was older. He was involved in various activities in the early part of the First World War with the British expeditionary force and at the Somme in 1915. On 14 and 15 September, his battalion moved up to the front line, near Guillemont, which Senator Feighan and I visited two years ago. The private fell out and reported himself sick at the transport lines the next day. When the medics allegedly refused to examine him, he was ordered to accompany a ration party as it went up the line.

Private Farr remained behind and later that day was seen by a sergeant, who had ordered his return to the line. Private Farr told the NCO that he felt unable to return to the line. The intervention of a corporal, who had been detailed to escort the private was also unsuccessful, as was a forceful attempt to drag the soldier off.

A trial took place on 2 October 1916 and in spite of his earlier shell-shock in 1915, no medical examination was carried out. The location of Private Farr's execution is unknown and his grave, unusually, was not identified after the war. He is commemorated in the Thiepval memorial to the missing, which overlooks the Somme battlefields. One cannot imagine how Private Farr's family must have felt at the time and how ^[307]his 91 year old daughter feels now, as she battles the British military establishment in the courts to obtain justice for her father who was unjustly and cruelly executed. It is now widely accepted that shell-shock is a serious medical condition of warfare.

This issue transcends all party considerations, religious traditions and political ideologies on this island. As has been noted, the Reverend Ian Paisley, Mr. John Hume and Mr. Ken Maginnis, when the latter was an MP at Westminster, all sponsored the Andrew McKinlay Bill. I wish to acknowledge that the spirit of reconciliation which permeated the Minister's speech is also to be found in this House, which is perhaps the strongest message that can be sent to the British Government, namely, that there is agreement across party lines and traditions going back to the foundation of this State.

While there may have been discrimination in life for the 26 Irish men who were executed, there

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has been no discrimination for them in death. The graceful, dignified, quiet, grey tombstones of the soldiers who fell in the Great War, those who fought and died and those who were executed, lie side by side and are the most powerful retort to those in Britain who believe this issue should be kept quiet and not addressed.

Acting Chairman (Labhrás Ó Murchú):

☪We are due to finish the statements at 7 p.m. and to call on the Minister at 6.55 p.m. However, we were 15 minutes late in commencing this discussion, so if the House is agreeable, we will extend the time allowed for a further 20 minutes.

Mr. Mooney:

☪It is proposed that the debate be extended by 20 minutes.

Acting Chairman:

☪Is that agreed? Agreed.

Mr. Norris:

☪I wish to share time with Senator O'Toole and perhaps with Senator Ross, who may have an opportunity to join us.

I welcome this discussion and express my admiration for the work done by Senators Mooney and Hayes. Until quite recently, I was not aware of the considerable body of work they have been doing through the British-Irish Interparliamentary Body, which is a very useful forum in which to do such work. I have raised this issue on a number of occasions in the past because I was contacted by the Shot at Dawn Campaign, initially by the British campaign and also by Mr. Mulvany and his group in Ireland. They have produced a most excellent, heart-rending and moving briefing.

I listened carefully to the Minister's speech and was glad to note the generous comments by the late Taoiseach, Mr. Seán Lemass, of which I was unaware. That is very important and to be welcomed. The Minister also said that the soldiers had the highest possible motivations for enlisting [308] and that is true, to a certain extent. However, some of the Irish men, most poignantly, were motivated by sheer poverty. People joined the British army because there was damn all else for them in this country. Having come from such conditions and to then be treated in the manner in which they were by the British army, is absolutely shameful and an attempt to dishonour them.

Senator Mooney is a much more Christian person than I am, which I have known for a long time. I have no problem criticising the then British Government and the officer class. Both richly deserve that, even though my father fought in the First World War, was heavily decorated and among others was awarded the Lloyd's medal, colloquially known as the marine Victoria Cross. As a small child I recall him being horrified by these events. So many of the

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people who fought valiantly on their side disassociated themselves from these events.

The Minister refers to the men being executed. In my opinion, they were murdered; it was nothing less than judicial murder. Anthony Babington, for example, indicates no due process was involved. It was a drumhead court martial, where the soldiers were unrepresented and did not even have a prisoner's friend. They were alone, often ill, shell-shocked, disturbed when brought up before these cursory procedures to be then taken out and shot. It was done as other Senators stated, as exemplary justice. *Pour encourager les autres* or, as was more the case, *pour décourager les autres*.

Leonard Sellers in his work *For God's Sake Shoot Straight* stated:

It was a great shock when I opened the file listing details of executions in the Great War. What I found amazed and deeply troubled me. There were names, ages and details. I discovered that they were so young, so vulnerable and so alone . . . In only three cases did the prisoner have the benefit of a prisoner's friend. These young men, on trial for their lives, went before their superiors without legal representations or assistance. The knowledge of this is horrific, and has deep implications.

It is inappropriate for the British Government to procrastinate on the matter. It is easy for it to use the case of Mrs. Harris, the daughter of Private Harry Farr. Why is the British Government appealing the case? It must acknowledge that a gross injustice has been done as Ireland, Scotland and New Zealand have. The New Zealand Government not only issued a retrospective pardon but re-issued whatever medals those shot had won. There should be some similar appropriate measure from our Government.

I am glad to learn a friend and former colleague from the English department in Trinity College, Dublin, Dr. Gerald Morgan, has adopted five of these Irish soldiers at a ceremony near Lichfield in Staffordshire. He has suggested a small but dignified memorial to salute the human [309]experience of these men should be erected at Islandbridge. They are part of the tragedy of the First World War. Some part of that has been achieved by the recording of their names. It is shocking to learn their names were not even dignified by being recorded but dishonoured.

It is important that what these soldiers went through is recognised. Shell-shock is a real condition. I remember one gentleman in the choir at Christ Church Cathedral suffered from it. I will conclude with a quote from Wilfrid Owen's poem *Dulce et Decorum Est*.

If you could hear, at every jolt, the blood
Come gargling from the froth-corrupted lungs, ...
...My friend, you would not tell with such high zest
To children ardent for some desperate glory,
The old Lie; *Dulce et Decorum est*

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Pro patria mori.

We owe it to these tragic victims.

Mr. O'Toole:

QI thank Senator Norris for sharing his time.

I compliment Senators Brian Hayes and Mooney and the Minister for Foreign Affairs, Deputy Dermot Ahern, on the work they have done on this case. It is important for the sake of the memory of these soldiers that we recognise what they went through. We are learning much about our past. Many people who lost family members this way have been forgotten. They have had to live with memories. Many families often had to cover it up. They were afraid to explain what had happened as it was a matter of shame, despite the fact these soldiers had done no wrong. They were not guilty of any crime and tried in the absence of due process without a prisoner's friend or military lawyer to put forward their cases.

Members will recall the pictorial record of the First World War from which one saw the trenches with the rats, the dirt, the bodies and body parts and the countryside wrecked. Years later walking through acre after acre of serried rows of white crosses on the French battlefields, it is difficult to think that these soldiers were not remembered there. In every French town there is a memorial to *les garçons de ville* lost in the Great War. Some form of memorial must be erected for the soldiers in question.

Last night when I watched the woman speaking of her father on the BBC, it hit me how close historically it was to us. She was speaking about her mother living into her 90s, fighting her husband's case that he was never a coward or a traitor. People were ordered at gunpoint out of the trenches to run without bullet-proof vests into machine gun fire. If there were people to be dragged before the courts, it was certainly not the victims.

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A space must be found at one of our war memorials to give recognition to those shot at dawn. It was not just those from the British army who were written out of the history of the time but also RIC personnel. Those soldiers in the Great War did their best. Many were there as an escape from hunger at home or they were urged to enlist by John Redmond. They did what they thought was right. To call them cowards or traitors utterly wrongs their memories. To their families and their descendants we must reach out with a memorial to them. Under the authority of the Westminster Acts, do we have the power to pass legislation to grant pardons to these soldiers?

Mr. B. Hayes:

QYes we do.

Mr. Minihan:

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10 The issue of those shot at dawn is one I have watched for several years. It is of particular interest and concern to me, given my experience in the military, and most importantly, my absolute belief that the 26 Irish-born soldiers executed during the First World War must get justice.



7 o'clock

This is an issue not just for Ireland. Archives released in 1990 by the British Government after 75 years indicated that during the First World War, 306 British and Commonwealth soldiers suffered the so-called ultimate penalty. The word “penalty” implies an offence. Would any reasonable person consider that such an offence was actually committed? Were these 306 soldiers, including the 26 Irish soldiers, 22 Canadians, five New Zealanders and one young Jamaican boy, actually killed by the British military merely as an example to others? These are just two of the questions the Shot at Dawn Campaign has posed and they must continue to be posed to the British authorities.

There is, however, a specific cause for concern in Ireland. Dr. Gerard Oram’s work indicates that in most British army groups one in every 2,000 to 3,000 troops was sentenced to death. That is a shocking statistic. However, the execution rate for Irish soldiers sentenced to death by British courts-martial is even more distressing at more than one in every 600. The numbers indicate that there were consistently more condemnations of troops serving with the Irish than in other battalions and that, on average, seven death sentences were passed in every Irish battalion but only four in other battalions. Why were more Irish troops executed in the British army than any other nationality?

We know that more than 134,000 men were recruited in Ireland during the war. The memory of this entire group has suffered an injustice over the years. The issues of Irish independence and unity were injudiciously applied or equated to taint the memories of brave men and their families, which is simply unacceptable. A more terrible and deadly injustice was applied, however. While New Zealand had a similar [\[311\]](#) number of men enlisted at 112,000, there were 23 condemnations, while there were 239 condemnations in Irish units.

Use of the word “penalty” is not the only one with which I have a problem. As recently as yesterday, when new consideration for the executed Private Harry Farr was, thankfully, announced, I heard phrases such as “justice for cowards” and “cowardice campaign”. The word “coward” is so inappropriate. A coward is defined as “one who shows disgraceful fear or timidity”. Is a man to continue to be labelled a coward having suffered severe psychological trauma? Private Farr was physically unable to cope with the shocking scenes he had to witness. He had been admitted to hospital where nurses noted that he trembled so severely he was unable to hold a pen. Such a soldier was subsequently found guilty of cowardice and sentenced to death. That is abhorrent.

Those who share my belief that justice must be delivered are, less importantly, also labelled for condemning the events of a century ago from a modern-day perspective or for seeking

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something inappropriate or impossible. What we are seeking is very simple, namely, a pardon for soldiers executed for action such as so-called cowardice, desertion or attempted desertion, disobedience, quitting a post or throwing away their arms. They were executed as an example.

Can we be sure what constitutes desertion? I can remember many a court-martial during my own military career involving long-term absentees who were charged with desertion or absence. I recall that desertion had to involve a clear intent that one would never return. Was that definition applied to those soldiers?

Today we have a clear understanding of shell-shock and post traumatic stress disorder, conditions that were not entertained 80 years ago. What can we do now? Having had the report laid before us, the Houses of the Oireachtas should send a unanimous and unequivocal message to the British Government stating our firm belief that, first, pardons should be granted to the 26 soldiers born in Ireland who were executed in these circumstances and, second, we must record our support for the British Labour Party backbencher Andrew Mackinlay's wider Pardon for Soldiers of the Great War Bill. This would allow for the granting of pardons to all qualifying soldiers executed during the First World War.

I understand the Bill was due for its Second Reading in the House of Commons on 10 March but, when contacted yesterday, the House of Commons information service stated the measure had been dropped. Perhaps the Minister or his officials could inquire, if and when appropriate, as to how this Bill's progress is to be facilitated by the British Government.

As a representative of our Government, the Minister could relay to his British counterpart Ireland's request that the implication of the statistics I have set out on the high proportion of [312]executions among Irish soldiers be investigated and explained. This is an issue that transcends individuals and pertains to our status as a nation. Was execution more or less likely on the basis of nationality and, if so, why? If that was the case, our nation deserves an explanation if not an apology.

As regards pardons, we are not seeking a precedent. As Senator Brian Hayes pointed out, the New Zealand Government has granted such pardons to five of its soldiers. New Zealand's Pardon for Soldiers Act clearly recognises that the execution of these soldiers "was not a fate that they deserved but was one that resulted from the harsh discipline that was believed at the time to be required; and the application of the death penalty for military offences being seen at the time as an essential part of military discipline".

My military experience informs me of how such an atmosphere and regime can develop, although not with these terrible consequences. Nevertheless, in a military environment, where a group of soldiers must be controlled by a small number of superiors, in unforgiving circumstances, we can see how harsh discipline can emerge. The label of dishonour attached to these soldiers and their families has compounded that horror.

The purpose of the measure passed in New Zealand five years ago "was to remove, so far as practicable, the dishonour that the executions brought to those soldiers and their families". It

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allowed a dignified closure for the families of soldiers executed in the First World War.

I encourage the Minister and his Department to follow through on the momentum that will no doubt follow the publication of the report. Should Oireachtas or party support be required or desired for the Government to do so, then let us get those explicit statements. Justice must be restored, honour returned to and blemish removed from the reputations of those concerned. On behalf of the Progressive Democrats, I support all appropriate efforts to make this happen.

Dr. Mansergh:

QI fully support and commend Mr. Peter Mulvany and the Shot at Dawn Campaign. I also commend the Minister and the Department of Foreign Affairs for their work on this report. My colleagues Senators Mooney and Brian Hayes have led the way on this issue. The executions were an awful episode in an awful war. The Irish were volunteers and this was dreadful recompense for often intrinsically minor disciplinary offences.

There is no doubt that this was directed right from the top but, unfortunately, officers were not concerned to spare life in general. There is shame on all involved. I accept in the moral sense what Senator Norris said about judicial murder. I am afraid to say that included a first cousin of my grandmother, a Captain Mansergh who presided over one of the worst cases, that of Private Downey from Limerick. There is no doubt that [\[313\]](#)there were class factors, national bias and perhaps religious issues. I can only express the deepest regret to his family, including his great nephew, for the little that it is worth.

It is possible for the Government, representing a successor State, to pardon but it would be much better for the British to do so. The repeal of the legislation in 1930 tells its own story. I was in the Irish Embassy in Bonn in 1976 when the Prime Minister of Baden-Württemberg, who was involved in a court-martial in 1944, had to resign for saying that what was just then cannot be unjust now. Of course, that related to a criminal regime and nobody is accusing the British Government in 1916 of having been that.

It is important for reconciliation, however, that this matter should be seen through to a conclusion. I support the proposal for a special memorial at Islandbridge so that, at least, honour would be restored to the 26 people involved.

Dr. M. Hayes:

QIt is difficult to follow Senator Mansergh in this matter. His was one of the most moving and honest contributions I have heard in this House. It is not for me to thank him for it but I do admire him.

Mr. B. Hayes:

QHear, hear.

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Dr. M. Hayes:

I also commend Mr. Mulvany, his colleagues, Senators Mooney and Brian Hayes, Mr. Andrew Mackinlay and the Minister on the efforts they made in this regard.

My father was in the British army during the First World War and I grew up with many of the survivors. If one saw what those survivors were like in later years one would have some idea of the trauma and suffering of the people who were there. We should concentrate on reinstating the reputation of these men. I do not believe they were shot because of a particularly anti-Irish bias. The people who would send 80,000 people to their death in the morning thought little of shooting one or two the following morning. I recently finished reading a biography of Sir Henry Wilson and that can be seen running through it.

This was a time when there was no conception of shell-shock, except for officers who were sent to Craig Lockhart hospital, and no idea about post-traumatic stress. There was a brutal approach to man-management and there is no doubt these people were shot, as Senator Norris stated, *pour encourager les autres*. They were the victims of a flawed process involving an extremely dodgy court martial system and a review that was not a review in most cases but simply an endorsement on the grounds that people could not be seen to weaken at any time. We should continue to press for a full pardon for these people. I commend the Minister on that. I also support the idea of some recognition by way of a memorial.

[\[314\]](#)Minister for Foreign Affairs (Mr. D. Ahern):

I thank the Senators for the views expressed. It is clear from all they stated that there is cross-party support in this House, and I have no doubt in the other House, on this issue. My predecessor, Deputy Cowen, originally agreed to examine the issue and raise it with the British, mainly through the efforts of Peter Mulvany and his people. As a result of meetings that took place when I took office between the British and my officials 25 files were made available. To the best of my recollection, the other file was with the Canadians. I compliment my staff on the painstaking work they carried out in going through all of the notes in the case files and compiling what is an excellent report.

Initially when this issue was brought to my attention I had the usual view that people held in 2005, that this was history and perhaps it is better to look forward not backwards. However, when I read some of the testimonies and case histories, I saw major validity in having this matter promoted on behalf of those families left behind. The report casts serious doubt on the safety of some of the court martial convictions and subsequent executions.

What particularly struck us was the apparent disparity of the treatment of Irish soldiers when compared with those of other countries. We were also struck by the disparities between lower and higher ranks at court martial. Regarding the treatment of Irish prisoners, the report makes clear that on average, an Irish soldier was four times more likely to be executed in these circumstances than any other nationality. A comparison with the New Zealand cohort in the British army during the First World War which had similar numbers shows an Irish soldier was ten times more likely to be executed for the offences committed. In some instances

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examples were made, as the book stated, for the sake of example.

Through examining the notes, it is also clear that significant omissions were made by those presiding at the courts martial when they did not take into consideration medical ailments or extenuating circumstances. Soldiers were executed to set an example to others. Considering the cases either on an individual basis or cumulatively makes clear there are sufficient grounds to merit a re-examination. Over the years Labour and Conservative British Governments have ruled out full pardons. History shows this was an issue as early as 1915. It is not a recent issue. There was great unease in Britain about what happened at the time and subsequently and speakers acknowledged that the law on the death penalty was changed in 1930.

A number of Senators raised the issue of the Irish Government and State passing what, in effect, would be a pardon. I am not sure whether it is legally possible. We discussed this with the Shot at Dawn Campaign, which made clear from the outset that it wants a pardon from the British Government which ultimately is the successor of ⁽³¹⁵⁾those responsible. I am not sure whether it would be legally possible to pass legislation exonerating these people. We have not examined the issue but neither have we closed our minds to it. Neither do we know whether it would be acceptable to the families of the 26 people.

Our focus, as requested by the Shot at Dawn Campaign, is to get the British Government, as the successor of those who carried out these acts, to make recompense. It stated it will not give a full blanket pardon. Based on the precedent of the New Zealanders, we want to persuade the British Government to examine this option. The Farr case has complicated the issue from our point of view in that the British Government and the Ministry for Defence stated they will not comment on our report until such time as the Farr case has been disposed. We hope the case will be disposed on 31 July and that we will then receive a more comprehensive response from the British Government.

Regarding Andrew Mackinlay's Bill, we understand he will attempt to include it in the annual army Bill in May. However, we are not hopeful of success in that respect. I thank the Senators for their support.