



## DEBATE PACK

Number CDP-0162, 7 September 2016

# Compensation for victims of Libyan sponsored IRA terrorism

Joanna Dawson  
Daniel Rogers

## Summary

This debate pack has been prepared ahead of a Westminster Hall debate on compensation for victims of Libyan sponsored IRA terrorism, initiated by James Cartlidge. The debate will take place on 13 September.

## Contents

1.	<b>Background</b>	<b>2</b>
2.	<b>Parliamentary questions</b>	<b>3</b>
3.	<b>Other parliamentary materials</b>	<b>7</b>
4.	<b>Press Articles</b>	<b>9</b>

The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

# 1. Background

During the 1970s, 80s and 90s, several terrorist attacks carried out by the IRA were facilitated by the supply of weapons from the Gaddafi regime in Libya, including the explosive Semtex. For a number of years victims of these attacks have been seeking compensation from the Libyan authorities, thus far without success.

In 2008 the US Government passed [the Libyan Claims Resolution Act](#) as part of a political agreement aimed at normalising diplomatic relations with Libya. Under this agreement Libya paid a sum of money to the US Government in settlement of pending legal claims relating to Libya's support for international terrorist attacks, in return for which the victims were prevented from pursuing individual claims against Libya in the US courts. The Foreign Claims Settlement Commission, part of the US Department of Justice, then determined the awards to be paid to US victims.

In July 2015 the Northern Ireland Affairs Committee launched an inquiry into the role of the UK Government in seeking compensation for UK victims of Libyan sponsored IRA attacks.

In evidence to the Committee on 22 March 2016, Tobias Ellwood, Parliamentary Under Secretary of State for the Foreign Office, welcomed the news that the Libyan Deputy Prime Minister had said that the Libyan Government would form a committee to examine the issue of compensation.<sup>1</sup> Mr Ellwood also offered to facilitate a delegation to Tripoli, including representatives of victims' groups, once the security situation allowed.

During a Westminster Hall debate in February 2016, Labour MP Jim Fitzpatrick asked if it was possible to use Gaddafi's frozen assets to compensate the victims. He was informed in response that this would not be permitted under the rules governing the funds, which had been frozen following a United Nations Security Council Resolution in 2011.<sup>2</sup>

In May 2016 Lord Empey introduced the [Asset Freezing \(Compensation\) Bill](#). The Bill, which received its second reading on 10 June, seeks to enable the Government to use the frozen assets of persons involved in supplying terrorist organisations in the UK in order to compensate victims of those organisations.

Responding for the Government, Viscount Younger explained that the Bill would place the Government in breach of its obligations under UN Security Council Resolutions, EU sanctions regulations, and the European Convention on Human Rights.<sup>3</sup>

---

[HM Government support for UK victims of IRA attacks that used Gaddafi-supplied Semtex and weapons. HC 406, 22 March 2016](#)  
[C Hansard, 23 February 2016, col 32WH](#)  
[HL Deb 10 June 2016, c952](#)

## 2. Parliamentary questions

Asked by: Tom Elliott

The Minister will be aware of reports that Libya paid \$1.5 billion into the US compensation fund for relatives of victims of terror blamed on Libya. Why have the UK victims of IRA terrorism that used Libyan Semtex not received similar support? The Minister recently indicated that he would support those victims of IRA terrorists who used Semtex. What is he doing and what support is in place for them?

Answered by: Mr Ellwood | Department: Foreign and Commonwealth Office

It is for a previous Government to explain why that opportunity was missed when the United States advanced discussions in that area. What I have done, in meetings both in Belfast and here in London with those victims of terrorism that involved Semtex or, indeed, that was supported by Gaddafi, is facilitate a visit to Tripoli when the security measures allow it.

[12 Apr 2016 | 608 c178](#)

Asked by: Kate Hoey

To ask the Secretary of State for Foreign and Commonwealth Affairs, whether the UK Minister attending the Summit Conference on the future Governance of Libya in Rome on 12 and 13 December 2015 discussed the matter of compensation for UK victims of IRA Semtex supplied by the Gaddafi Regime with any parties attending the Summit; and if he will make a statement.

Answered by: Mr Tobias Ellwood | Department: Foreign and Commonwealth Office

The formation of a Government of National Accord (GNA) is an important step towards engagement with the Libyan Government on reconciliation initiatives relating to Qadhafi-sponsored terrorism. Once stability returns to Libya and our Embassy re-opens we will urge the Libyan authorities to engage again with UK victims and their legal representatives, including those seeking compensation.

[18 Dec 2015 | 19890](#)

Asked by: Lady Hermon

To ask the Secretary of State for Foreign and Commonwealth Affairs, what records his Department holds on representations made by the Government to (a) the US Administration and (b) the Libyan government in 2008 about inclusion of compensation claims by victims of IRA/Libyan sponsored violence in the UK in the scope of the Libyan Claims Settlement Agreement; and if he will make a statement.

Answered by: Mr Tobias Ellwood | Department: Foreign and Commonwealth Office

When it became clear in May 2008 that the US and Libya were proceeding on a bilateral agreement to settle outstanding claims, the UK Government made representations to the US and Libyan authorities to include UK victims of Libyan-sponsored IRA terrorism on the list of recipients. Unfortunately this proved not to be possible. The Libyans made clear that they had answered questions about their support for the IRA in 1995 and considered the matter closed.

We want to see a just solution for all of the victims of Qadhafi-sponsored IRA terrorism, and we remain determined to make progress. Once stability returns, and our embassy re-opens, we will again encourage the Libyan authorities to engage with UK victims and their legal representatives seeking redress, including those seeking compensation.

[29 Oct 2015 | 12830](#)

Asked by: Lady Hermon

To ask the Secretary of State for Foreign and Commonwealth Affairs, if he will make it his policy to ensure that interest earned on Libyan assets frozen in the UK is used to compensate the victims of IRA/Libyan-sponsored violence; and if he will make a statement.

Answered by: Mr Tobias Ellwood | Department: Foreign and Commonwealth Office

There is no legal basis upon which the UK could re-direct Libyan assets or the interest accrued to individuals for the purposes of compensation. Regarding assets which belonged to Qadhafi or other regime figures, the UN Security Council has stipulated that when these are unfrozen, they will be made available to, and for the benefit of the Libyan people. For the duration of time that these assets are frozen, they and any interest they accrue will be governed in accordance with the specific sanctions in place over the individuals or entities to which the assets belong. In this case, the asset freezing measures are set out under EU Regulation 204/2011 which prohibits the release of frozen funds and the interest accrued belonging to listed individuals or entities except in very specific circumstances, which do not apply here.

[19 Oct 2015 | 11988](#)

Asked by: Lady Hermon

To ask the Secretary of State for Foreign and Commonwealth Affairs, if the Prime Minister will reverse the decision made by his predecessors not to seek compensation for all UK victims of IRA/Libyan-sponsored violence; and if he will make a statement.

Answered by: Mr Tobias Ellwood | Department: Foreign and Commonwealth Office

The Government is not able to negotiate with the Libyan Government on individual compensation claims as these are not government claims. Individual compensation claims against Libya are best pursued directly with the Libyan Government. The Government has raised legacy issues arising from the actions of the Qadhafi regime repeatedly and at the highest levels with the Libyan authorities. Following a breakdown of the political and security situation in Libya, we withdrew our staff from our Embassy in Tripoli in August 2014. There is currently no central authority to deal with on this issue. We will engage a Government of National Accord (GNA), once established, on the issue of compensation. The British Government's objective is broad and lasting reconciliation between Libya and UK communities affected by the Qadhafi regime's sponsorship of terrorism. The Government has provided facilitation support to victims, their families, legal representatives and campaign groups, where it has been requested and appropriate. We will again encourage the Libyans to engage with UK victims seeking redress, including those seeking compensation and their legal representatives, once stability returns.

[16 Sep 2015 | 9795](#)

Asked by: Lady Hermon

To ask the Secretary of State for Foreign and Commonwealth Affairs, if he will establish an independent inquiry into the reasons why the Government has not sought compensation for UK victims of IRA/Libyan-sponsored terrorism; and if he will make a statement.

Answered by: Mr Tobias Ellwood | Department: Foreign and Commonwealth Office

The Government is not able to negotiate with the Libyan Government on individual compensation claims as these are not government claims. Individual compensation claims against Libya are best pursued directly with the Libyan Government. The Government has raised legacy issues arising from the actions of the Qadhafi regime repeatedly and at the highest levels with the Libyan authorities. Following a breakdown of the political and security situation in Libya, we withdrew our staff from our Embassy in Tripoli in August 2014. There is currently no central authority to deal with on this issue. We will engage a Government of National Accord (GNA), once established, on the issue of compensation. The British Government's objective is broad and lasting reconciliation between Libya and UK communities affected by the Qadhafi regime's sponsorship of terrorism. The Government has provided facilitation support to victims, their families, legal representatives and campaign groups, where it has been requested and appropriate. We will again encourage the Libyans to engage with UK victims seeking redress, including those seeking compensation and their legal representatives, once stability returns.

[16 Sep 2015 | 9794](#)

Asked by: Mr Nigel Dodds

To ask the Secretary of State for Foreign and Commonwealth Affairs, what recent discussions he has had with the Libyan government on the campaign for equitable compensation for victims of IRA terrorism sponsored by Colonel Gaddafi's government and the decision by the Libyan Parliament to revoke a law banning officials from that government from re-entering the political realm.

Answered by: Mr Tobias Ellwood | Department: Foreign and Commonwealth Office

While we do not intend to negotiate a compensation settlement with the Libyan authorities, once stability returns, and our Embassy re-opens, we will again encourage the Libyans to engage with UK victims seeking redress, including those seeking compensation and their legal representatives. The Prime Minister, my right hon. Friend the member for Witney (Mr Cameron) is committed to doing this and has asked the National Security Advisor to lead cross-government efforts to engage the Libyans on reconciliation initiatives. The Government will also continue to promote broad and lasting reconciliation between Libya and affected UK communities. The UK has not formally discussed with the House of Representatives their decision on the political isolation law. Only an inclusive political solution can resolve the ongoing hostilities and political polarisation in Libya. The UK has urged all parties to cease all hostilities and support the UN process led by the Special Representative of the UN Secretary General, Bernardino Leon.

[25 Feb 2015 | 224377](#)

## 3. Other parliamentary materials

### Debates

[Westminster Hall debate on Canary Wharf Bombing: Compensation](#)  
23 Feb 2016 | 606 cc26-36WH

[House of Lords debate - Libya: Arms to the IRA](#)  
25 March 2014 | Vol 753 cc

### Bill

[Asset Freezing \(Compensation\) Bill](#) [HL] 2016-17

### **Northern Ireland Affairs Committee – Inquiry into HM Government support for UK victims of IRA attacks that used Gaddafi-supplied Semtex and weapons inquiry**

Oral evidence:

[HM Government support for UK victims of IRA attacks that used Gaddafi-supplied Semtex and weapons](#), HC 406, 22 March 2016

[HM Government support for UK victims of IRA attacks that used Gaddafi-supplied Semtex and Weapons](#), HC 406, 28 October 2015

Written evidence:

[Written evidence submitted by McCue and Partners LLP for the Northern Ireland Affairs Committee's inquiry into HM Government support for UK Victims of IRA attacks that used Gaddafi-supplied Semtex and weapons \(LSX0042\)](#), 19 March 2016

[Written Evidence submitted by Wayne Gruba on behalf of the Docklands Victims Association for the Northern Ireland Affairs Committee's inquiry into HM Government support for UK Victims of IRA attacks that used Gaddafi-supplied Semtex and weapons \(LSX0041\)](#), 3 February 2016

[Written Evidence submitted by Rt Hon Tony Blair for the Northern Ireland Affairs Committee's inquiry into HM Government support for UK Victims of IRA attacks that used Gaddafi-supplied Semtex and weapons \(LSX0038\)](#), 6 January 2016

[Written Evidence submitted by the Foreign and Commonwealth Office for the Northern Ireland Affairs Committee's inquiry into HM Government support for UK Victims of IRA attacks that used Gaddafi-supplied Semtex and Weapons \(LSX0039\)](#), 6 January 2016

Correspondence:

[Chair's letter to Tony Blair re: support for victims of Libyan Semtex](#), 27 January 2016

[Tony Blair's letter to the Chair re: support for victims of Libyan Semtex](#), 26 February 2016

[Gordon Brown's letter to the Chair re: support for victims of Libyan Semtex](#), 12 February 2016

**EDM 87: Victims of IRA Libyan Semtex**

That this House believes that it is the first duty of government to protect and promote the interest and well-being of its citizens, and therefore records its dismay at the failure of successive UK administrations to protect and promote the interests of the innocent victims of IRA/Libyan Semtex, their dependents and their loved ones; notes that in addition to those who lost their lives, the victims who survived still bear the physical and emotional scars of their suffering; recalls that these atrocities occurred not just in Northern Ireland but throughout the UK and beyond; considers that the attention of both the media and public needs to be drawn to the fact that the US government sensibly persuaded Libya to compensate the number of American victims of the same atrocities whilst the Government failed to do so; calls on the Government now to remedy that wrong by taking the initiative with their interlocutors in Libya, the US and the EU by demanding that any recognition of and support to any new Libyan government will be dependent on a compensatory package being agreed in respect of the UK victims; and further resolves that the assets of the Qadhafi regime and those of the Muainmar Qadhafi shall remain frozen until such time as an amicable settlement has been agreed.

[24 May 2016 | \(session 2016-17\)](#)

Primary sponsor: Andrew Rosindell



## 4. Press Articles

Manchester Evening News  
14 June 2016

[Why victims of the Manchester IRA bomb are demanding compensation from Libya](#)

Telegraph  
10 June 2016

[Outrage as human rights laws used to block compensation to terror victims of IRA attacks funded by Gaddafi](#)

Belfast Telegraph  
22 March 2016

[Libya's new stance on IRA terror payouts 'welcome news', says UK minister](#)

The Docklands & East London Advertiser  
9 February 2016

[White doves released over Canary Wharf as survivors mark 20th anniversary of IRA bombing](#)

Guardian  
28 January 2016

[MPs send Tony Blair list of questions over IRA and Gaddafi](#)

*The Telegraph*  
16 January 2016

[New push for compensation for IRA victims,](#)

BBC  
6 January 2016

[Tony Blair denies blocking Libya compensation for IRA victims](#)

Telegraph  
24 October 2015

[Tony Blair's US trip to 'broker' £1bn Libya terror deal that left British families with nothing](#)

Belfast Telegraph  
22 September 2015

[Pay victims of IRA-Libya terrorism, says Arlene Foster](#)

BBC  
9 September 2015

[London families want compensation over 1996 Docklands bombing](#)

Belfast Telegraph  
8 September 2015

['Maimed by IRA's Libyan Semtex, then betrayed by British Government'](#)

Telegraph  
11 May 2014

[IRA victims call for payouts from Gaddafi wealth](#)

Belfast Telegraph  
14 November 2012

[Libya unlikely to pay compensation to victims of IRA](#)

## About the Library

The House of Commons Library research service provides MPs and their staff with the impartial briefing and evidence base they need to do their work in scrutinising Government, proposing legislation, and supporting constituents.

As well as providing MPs with a confidential service we publish open briefing papers, which are available on the Parliament website.

Every effort is made to ensure that the information contained in these publically available research briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

If you have any comments on our briefings please email [papers@parliament.uk](mailto:papers@parliament.uk). Authors are available to discuss the content of this briefing only with Members and their staff.

If you have any general questions about the work of the House of Commons you can email [hcinfo@parliament.uk](mailto:hcinfo@parliament.uk).

## Disclaimer

This information is provided to Members of Parliament in support of their parliamentary duties. It is a general briefing only and should not be relied on as a substitute for specific advice. The House of Commons or the author(s) shall not be liable for any errors or omissions, or for any loss or damage of any kind arising from its use, and may remove, vary or amend any information at any time without prior notice.

The House of Commons accepts no responsibility for any references or links to, or the content of, information maintained by third parties. This information is provided subject to the [conditions of the Open Parliament Licence](#).