**Key Complaints Against the NI Troubles (Legacy and Reconciliation) Bill:**

- Gives impunity to murderers, and those responsible for torture

- Blocks victims from accessing justice via legal action

- Is a significant interference in the justice system

- Breaches the Good Friday Agreement

- Goes against existing agreements between the UK and Irish Governments and NI Political Parties on legacy

- Creates a two-tier justice system in the UK

- Fails to deliver human rights compliant investigations

- Sets a deeply concerning international precedent - signaling to other states that they too can ignore their human rights obligations

The UK is a permanent member of the UN Security Council and G7. The Bill sends a wrong message to the international community and sets a dangerous precedent as it violates our domestic and international human rights obligations.

**Opposition to the Bill:**

* In terms of political parties in Northern Ireland, the Northern Ireland Assembly unanimously opposed the the UK Government's Troubles Bill in 2021
* The Republic of Ireland government has condemned the Bill as a "get out of jail" plan for Troubles-related crimes
* A study by a team at Queen's University Belfast's School of Law and the Committee on the Administration of Justice has found that the Bill breaches international law and the Belfast Good Friday Agreement.
* UN Special Rapporteurs have expressed serious concern about the Bill, finding the UK Government's plans to be in "flagrant violation of its international obligations"
* The Council of Europe Commissioner on Human Rights, Dunja Mijatovic, has warned that that the approach is not victim-centered, and that it would "undermine human rights protections"

<https://www.amnesty.org.uk/ni-troubles>

*Northern Ireland Troubles Bill*. Amnesty International UK. (2022, September 22). Retrieved September 27, 2022, from https://www.amnesty.org.uk/ni-troubles

(*Northern Ireland Troubles Bill* 2022)

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**Bill stated purpose:**

“A Bill to address the legacy of the Northern Ireland Troubles and promote reconciliation by establishing an Independent Commission for Reconciliation and Information Recovery, limiting criminal investigations, legal proceedings, inquests and police complaints, extending the prisoner release scheme in the Northern Ireland (Sentences) Act 1998, and providing for experiences to be recorded and preserved and for events to be studied and memorialised.”

<https://bills.parliament.uk/bills/3160>

*Northern Ireland Troubles (Legacy and Reconciliation) Bill*. UK Parliament . (2022, September 9). Retrieved September 27, 2022, from https://bills.parliament.uk/bills/3160/publications

(*Northern Ireland Troubles (Legacy and Reconciliation) Bill* 2022)

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Northern Ireland Assembly voting

The protest was attended by various members of the Sinn Fein glitterati including Gerry Kelly, who was jailed for his part in bombing the Old Bailey in 1973 and who shot a prison officer in the head during a subsequently successful escape from Maze prison a decade later. Slogans such as ‘no amnesty for British state forces’ were bandied about by those in attendance. The deputy First Minister, Michelle O’Neill, enthusiastically tweeted that ‘there can be no amnesty for those who murdered citizens on the streets of Ireland and for those who directed them.’

Northern Ireland Assembly voting

This was yet another galling stunt from Sinn Fein, the political wing of an organisation which created countless victims during the Troubles. Kelly himself was one of the 365 who received royal pardons from 1979 to 2002, illustrating the fundamental hypocrisy at the heart of Sinn Fein’s approach to the issue of legacy. No wonder the prominent victims campaigner Ann Travers – the daughter of a Catholic judge who saw her sister killed by the IRA during an attempted assassination of their father as they left mass in 1984 – said she felt sickened by what she saw.

Northern Ireland Assembly voting

Sinn Fein’s boldness has largely been encouraged by the behaviour of various British governments. This is a natural end to a process that has seen royal pardons, post-Belfast Agreement prisoner releases and so-called ‘on the run letters’ – effective assurances for terrorists that they will not be prosecuted. Small wonder that Sinn Fein take such a selective approach to legacy given they have disproportionately benefited from a lack of bite in Westminster and the prioritisation of the much feted ‘process’ in Northern Ireland.

<https://www.spectator.co.uk/article/the-troubles-amnesty-and-the-hypocrisy-of-sinn-fein>

McQuillan, A. (2021, July 22). The Troubles amnesty and the hypocrisy of Sinn Fein. *The Spectator* . Retrieved September 27, 2022, from https://www.spectator.co.uk/article/the-troubles-amnesty-and-the-hypocrisy-of-sinn-fein.

(McQuillan, 2021)

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**Submission to the Committee of Ministers in relation to the supervision of the cases concerning the action of the security forces in Northern Ireland (July 2022)**

The treatment of the NHRI – the Northern Ireland Human Rights Commission (NIHRC)– was particularly concerning. The NIHRC is a core safeguarding institution established as a result of the 1998 Belfast/Good Friday Agreement (GFA). Advising the Secretary of State on legislative measures that ought to be taken to protect human rights is among its core statutory functions.

The NIHRC will routinely advise on legislative proposals in advance of their publication and in particular as to whether they are ECHR compliant. In this instance the UK withheld the Bill from the NIHRC, who were only able to comment after the Bills’ publication.

Following publication, the NIHRC made the following assessment to the UK Parliament’s Joint Committee on Human Rights on the Bill: The NIHRC is clear that the Bill is incompatible with Articles 2 (right to life) and 3 (freedom from torture) of the European Convention on Human Rights (ECHR). This Bill is fatally flawed, it is not possible to make it compatible with the ECHR

The Equality Commission investigation reiterated the duty to impact assess and complete related public consultation on the legacy policy bill prior to a policy decision being taken. However, the NIO only released an Equality Impact Assessment for consultation after a decision had been taken to introduce the Bill to the UK Parliament. This has prompted the Equality Commission to make the rare move of taking steps to initiate an ‘own initiative’ investigation against the NIO due to concerns that a fresh breach of the Equality Scheme duties have now taken place.22 It has also prompted further complaints from CAJ and PFC, both regarding procedure and the ‘box ticking’ nature of the draft equality impact assessment that has been ultimately produced.

The UK Parliament does retain a parallel legislative competence for Northern Ireland, but by constitutional convention is not to legislate on transferred matters without the consent of the Northern Ireland institutions. The exception to this in the GFA is when such legislation is required to meet the UK’s international obligations. This is not the case with the present Bill, indeed the present bill runs contrary to the UK’s treaty-based obligations, including the ECHR

Under constitutional convention the current Bill therefore required consultation with the Justice and other Northern Ireland Ministers and a Legislative Consent Motion from the Northern Ireland Assembly. On this occasion the UK has bypassed these processes. The Northern Ireland Justice Minister, Naomi Long MLA has told a Parliamentary Committee: “We only became aware of the latest proposals on the morning the Bill was published.” Ms Long also maintained that the ‘intensive engagement’ with Northern Ireland parties committed by the UK Government following the Command Paper did not occur.

The Delegated Powers Memorandum published with the Bill is explicit in that the UK Government will bypass constitutional convention and transgress on transferred powers to deliver the Bill and is doing so in light of opposition to the Bill.26 The NI Justice Minister has stated that the bill is an “egregious interference with the Northern Ireland justice system” and called for its withdrawal.

The victims group WAVE Trauma Centre– ‘the largest cross community victims and survivors support group in Northern Ireland’ previously raised concerns that from the Written Ministerial Statement [WMS] on the UK had “unilaterally and without reference to any victims and survivors stakeholder groups” set aside the SHA to instead focus on protecting military veterans though a process of closing the vast majority of unresolved cases through a process of ‘speedy desktop review’ that would constitute a de facto amnesty across the full spectrum of cases, including those involving paramilitaries. WAVE recalled they had last spoken to the Secretary of State for Northern Ireland in the immediate aftermath of the WMS where he had committed to ‘intensive engagement’ on the issues in the WMS. WAVE however note “We have heard absolutely nothing from him since then.” 33 The victims group also raised concerns that the Secretary of State was ‘dangerously deluded’ if he believes the WMS proposals will aid reconciliation

The UK Government fast tracked the bill through ‘accelerated passage.’ This ensured the usual process of Parliamentary scrutiny within the House of Commons, including a detailed bill committee taking evidence from expert witnesses and stakeholders, was bypassed.39 The Bill instead completed all remaining stages in just two days, and had passed the House of Commons by the 4th July 2022. This accelerated process will also have the effect of bringing forward the ending of investigations (including inquests and police ombudsman inquiries). In the normal legislative process, the passage of the Bill could have taken up to a year. Given that there is no emergency or urgent need to correct any injustice that might provide justification for the use of accelerated passage, it appears that its purpose is simply to avoid intensive parliamentary scrutiny.

The Bill will still reach into the Northern Ireland justice system and close down the possibility of opening any new legacy inquests and will also still prevent the initiation of inquests currently awaiting hearing that have not reached a ‘substantive’ stage, it will also retrospectively, to the date of the introduction of the Bill, prevent all new civil claims and close down all Police Ombudsman and criminal investigations.

Summary of Bill:

* To debar the Police Ombudsman from investigating legacy complaints (we understand from the Ombudsman’s office there are around 450 outstanding such complaints). The Stormont House Agreement (SHA) Bill contained transitional provisions for the Ombudsman to complete cases that had been substantively progressed, other complaints would pass automatically into the caseload of the HIU for Article 2 compliant investigations. The Bill would prevent the Ombudsman from investigating and not transfer the cases.
* To prevent new legacy Inquests along with closing down many outstanding inquests already in the NI judiciary’s programme. We understand there are 22 inquests into 34 deaths currently before the courts. The Bill’s approach is opposite the SHA, which provided for inquests to continue as a separate process. Families who have waited many years or decades for inquests in the latter years of the programme will have their inquest curtailed.
* The Bill will debar indefinitely the initiation or continuation of any criminal investigation, this will therefore end ‘Call In’ investigations, including the current investigations by Operation Kenova (there are also restrictions on the subsequent publication of reports resulting from such investigations) and PSNI investigations. There will be no Article 2 compliant investigative mechanism to investigate these cases. The SHA would have transferred outstanding police legacy investigations to the HIU with a transitional arrangement, these cases (which include many against the military which have not had previous Article 2 compliant investigations) will not be transferred.
* The Bill will debar all new civil claims relating to the conflict. There are currently over 500 such claims against the military alone for which considerable reparations are being paid out to settle. Having engaged lawyers we are not aware of a single case where a civil claim has been found to be invalid. Civil litigation can also recover information, including highlighting previous ‘sham’ investigations.

<https://caj.org.uk/2022/08/05/com-submission-july-22/>

<https://caj.org.uk/wp-content/uploads/2022/08/Submission-to-CoM-JULY-2022.pdf>

Committee on the Administration of Justice. (2022, August 5). *Submission to the Committee of Ministers in relation to the supervision of the cases concerning the action of the security forces in Northern Ireland (July 2022)*. Committee on the Administration of Justice. Retrieved September 27, 2022, from https://caj.org.uk/2022/08/05/com-submission-july-22/

(Committee on the Administration of Justice, 2022)

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"Congress has also strongly opposed the British Amnesty Bill. Most recently, following a House Foreign Affairs briefing on July 15th, more than 30 members of Congress co-signed a letter to key members of the House of Lords urging opposition to the Bill during the September 13th debate. The Congressional letter spearheaded by Congressman Bill Keating noted: 'Specifically, we believe the Northern Ireland Troubles (Legacy and Reconciliation) Bill before the House of Lords threatens the progress achieved by the Good Friday Agreement and undermines the human rights of all individuals impacted by violence and potential crimes committed during the Troubles. The Bill, which lacks support from both the unionist and nationalist parties in Northern Ireland and has been condemned by the European Court of Human Rights and the United Nations Human Rights Council, would do tremendous damage to the Good Friday Agreement as well as the rule of law.'"

<https://www.irishecho.com/2022/9/aoh-webinar-will-focus-on-amnesty-bill>

Aoh Webinar Will Focus on Amnesty Bill. (2022, September 8). *The Irish Echo*. Retrieved September 27, 2022, from https://www.irishecho.com/2022/9/aoh-webinar-will-focus-on-amnesty-bill.

(The Irish Echo, 2022)

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Under the Northern Ireland Troubles (Legacy and Reconciliation) Bill, civil legal cases can no longer be brought and some inquests will not be heard.

Some of those who took part in the Troubles will also be eligible for immunity.

Some opponents believe the intention behind the bill is to facilitate an amnesty for the security forces.

<https://www.irishnews.com/news/northernirelandnews/2022/06/17/news/british-government-amnesty-bill-branded-unjustified--2745427/>

British government 'amnesty bill' branded 'unjustified'. (2022, June 17). *The Irish News*. Retrieved September 27, 2022, from https://www.irishnews.com/news/northernirelandnews/2022/06/17/news/british-government-amnesty-bill-branded-unjustified--2745427/.

(The Irish News, 2022)

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The bill aims to provide immunity from prosecution for anyone who co-operates with a new information recovery body, as well as bringing to an end all other legal proceedings concerning Troubles-related conduct. It has been viewed as an effort to protect British soldiers who are accused of killings from prosecution.

“The fundamental tests for any legislation in this sensitive and important space, are, firstly, how it meets the needs of victims and their families and, secondly, whether it meets the requirements of the European Convention on Human Rights (which, you will recall, is an essential element of the Good Friday Agreement). As this bill currently stands, it is very difficult to see that it could pass either test,” O’Neill said.

O’Neill said it was doubtful that the proposed system of “reviews” to be carried out by the Independent Commissioner for Reconciliation and Information Retrieval would fulfill the obligation placed on the state by Article 2 of the European Convention on Human Rights (ECHR) to carry out effective and independent investigations.

“Any process that does not clearly comply with ECHR Article 2 will likely face legal challenge. This in turn risks years of further uncertainty for families,” he said.

“The provisions in the bill for immunity from prosecution for crimes of this seriousness appear, clearly, therefore to be incompatible with the UK’s obligations under the ECHR,” he said.

<https://www.businesspost.ie/politics/british-mps-told-troubles-amnesty-bill-not-fit-for-purpose/>

Murray , D. (2022, September 10). British MPs told Troubles amnesty bill ‘not fit for purpose.’ *Business Post* . Retrieved September 27, 2022, from https://www.businesspost.ie/politics/british-mps-told-troubles-amnesty-bill-not-fit-for-purpose/.

(Murray , 2022)

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These rulings relate to the inadequacy of investigations into killings in Northern Ireland in the 1980s and 1990s, “either during security force operations or in circumstances giving rise to suspicion of collusion in their deaths by security force personnel”.

The council has the role of monitoring whether member states implement such rulings by the court, and it previously rebuked Britain for failing to ensure full investigation of the cases, which include the 1989 murder of the Belfast solicitor Pat Finucane.

In its decision on Friday, the council noted that long-delayed inquests had just started to produce results and warned the proposed Bill could interrupt this progress.

“The new legislation will prevent new civil claims from being brought,” the decision read, expressing “serious concern about the proposal to terminate pending inquests that have not reached substantive hearings, bearing in mind the progress finally being made in those inquests”.

<https://www.irishtimes.com/ireland/2022/09/23/council-of-europe-urges-uk-to-change-troubles-era-amnesty-bill/>

O'Leary, N. (2022, September 23). Council of Europe urges Uk to change Troubles-era amnesty Bill. *The Irish Times* . Retrieved September 27, 2022, from https://www.irishtimes.com/ireland/2022/09/23/council-of-europe-urges-uk-to-change-troubles-era-amnesty-bill/.

(O'Leary, 2022)

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Aoh Webinar Will Focus on Amnesty Bill. (2022, September 8). *The Irish Echo*. Retrieved September 27, 2022, from https://www.irishecho.com/2022/9/aoh-webinar-will-focus-on-amnesty-bill.

British government 'amnesty bill' branded 'unjustified'. (2022, June 17). *The British News*. Retrieved September 27, 2022, from https://www.irishnews.com/news/northernirelandnews/2022/06/17/news/british-government-amnesty-bill-branded-unjustified--2745427/.

Committee on the Administration of Justice. (2022, August 5). *Submission to the Committee of Ministers in relation to the supervision of the cases concerning the action of the security forces in Northern Ireland (July 2022)*. Committee on the Administration of Justice. Retrieved September 27, 2022, from https://caj.org.uk/2022/08/05/com-submission-july-22/

McQuillan, A. (2021, July 22). The Troubles amnesty and the hypocrisy of Sinn Fein. *The Spectator* . Retrieved September 27, 2022, from https://www.spectator.co.uk/article/the-troubles-amnesty-and-the-hypocrisy-of-sinn-fein.

Murray , D. (2022, September 10). British MPs told Troubles amnesty bill ‘not fit for purpose.’ *Business Post* . Retrieved September 27, 2022, from https://www.businesspost.ie/politics/british-mps-told-troubles-amnesty-bill-not-fit-for-purpose/.

*Northern Ireland Troubles (Legacy and Reconciliation) Bill*. UK Parliament . (2022, September 9). Retrieved September 27, 2022, from https://bills.parliament.uk/bills/3160/publications

*Northern Ireland Troubles Bill*. Amnesty International UK. (2022, September 22). Retrieved September 27, 2022, from https://www.amnesty.org.uk/ni-troubles

O'Leary, N. (2022, September 23). Council of Europe urges Uk to change Troubles-era amnesty Bill. *The Irish Times* . Retrieved September 27, 2022, from https://www.irishtimes.com/ireland/2022/09/23/council-of-europe-urges-uk-to-change-troubles-era-amnesty-bill/.