



House Foreign Affairs Committee
Tom Lantos Human Rights Commission

Hearing on

Northern Ireland: Accountability at Risk
February 15, 2022 - 1.30pm
Virtual via Cisco Webex

STATEMENT SUBMITTED FOR THE RECORD

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Human Rights First welcomes this opportunity to submit a statement for the record for the commission, and welcomes this hearing. We note that we have a long history of working on these issues of impunity and state collusion with paramilitary groups in the context of Northern Ireland with both Commission Co-Chairs Congressman McGovern and Congressman Smith.

Our commitment to justice for those killed in the conflict stretches back well into the last century. When we were still known as the Lawyers Committee for Human Rights we worked with the both Co-Chairs and others members of Congress for a full, independent, *public* inquiry into the 1989 murder of human rights lawyer and human rights defender Pat Finucane.

Pat Finucane's family, as the Commission knows, is still waiting for the public inquiry promised by Prime Minister Tony Blair to take place.

So while the latest British government proposal on granting immunity for past crimes in the context of the Troubles is a fresh twist, it is also an all too familiar story of evasion and abdication of responsibility, of cover-up and collusion, of antagonism and hostility to justice. The proposed legislation would end all future and current official inquiries.

In recent years, Human Rights First has worked closely with the families of many of the victims of the conflict, and with the lawyers who represent them. British politicians and sections of the press have targeted those representing families in such cases, accusing them of ideologically-driven witch hunts against former soldiers. We have documented the vilification and smears aimed at these human rights lawyers. The commission will know that this is not a new issue, and such abuse preceded the murder of Pat Finucane.

Given that context, in recent weeks we have had to address the online attacks on leading human rights legal academic Colin Harvey. In many ways, given Brexit, an increasing polarization, British failure to hold its security forces accountable, and the targeting of

senior human rights figures, we are heading back to a dangerous future in Northern Ireland.



The terrible outcomes of proposed legislation granting an amnesty and halting any investigations into crimes committed in the context of the conflict will be legal, political, historical, and human. They will be damaging, and they will be far-reaching.

Many families who have lost loved ones in the conflict -- whether they were killed by state security forces or paramilitary groups -- have told Human Rights First what it would mean to have the chance of achieving an official truth, via an inquest or a court case, shut down.

Many are engaged in campaigns to discover what really happened to their relatives, and all of the families involved in these campaigns have been struggling for justice for decades, some for over half a century. Denying them the prospect of finding the truth would be an unhelpful, unnecessary, and unprecedented move by the British government.

The proposed legislation would have at least two devastating outcomes.

The first, and most obvious, would be to protect former security personnel from facing possible prosecution, or for the details of their crimes to stay secret.

While there is some opposition from military veterans' groups to continued prosecutions, there are some former military voices in favor of justice and accountability. For example, retired Lieutenant-Colonel Nicholas Mercer, the British Army's chief legal officer in Iraq in 2003, and Colonel David Benest, former commanding officer of 2nd Battalion, Parachute Regiment, both served in the British army in Northern Ireland, and have both publicly voiced opposition to the proposed legislation, partly because of the danger of a breakdown in battlefield discipline.

The other, murkier, issue is around collusion. Evidence of official British collusion in crimes committed during the conflict is not new. Ten years ago British Prime Minister David Cameron admitted there had been "shocking levels of State collusion" in the murder of Pat Finucane.

And it is simply not the case that there is nothing left to be learned or revealed. Last week the Police Ombudsman of Northern Ireland released a report detailing many more cases of what she termed "collusive behaviour" between the Royal Ulster Constabulary and Loyalist paramilitaries between 1990 and 1998. She found the force was guilty of a number of investigative and intelligence failures relating to eight attacks in which 11 people were murdered -- including five in one 1992 attack.

There have been many more documented links of collusion between British security forces and paramilitaries, and further official inquiries and court cases will undoubtedly uncover further layers of British state involvement in conflict crimes. We believe a fear of such evidence being made public on a hitherto barely imaginable scale is also motivating the proposal to end all official investigations.

Some of the families campaigning for the truth - including those killed on Bloody Sunday in Derry in 1972, and at Ballymurphy in Belfast in 1971 - have had a degree of vindication,



with their relatives declared by official inquiries to have been innocent and not having posed a threat to soldiers when they were killed. But even in those cases no former soldier has been brought to account for the killings.

And there are other families who are still awaiting official inquiries.

These include relatives of five people shot dead by British soldiers in Springhill-Westrock. The families campaigning for truth about what happened that evening in July 1972 fear that the legislation would end their chances of an official inquest into the killings.

So do many other families still struggling for justice. Recently declassified British government documents are offering up new evidence in some of these cases; Human Rights First will continue to provide advocacy and technical support to those searching for the truth.

This legislation should be scrapped; the British government should allow inquests and prosecutions to proceed. It should make clear that its security forces were not, and are not, above the law, and will be held to account for any crimes they have committed during the conflict.

We make the following recommendations:

1. That US government officials, including Members of Congress, including those who are military veterans or who have other military ties, make clear they expect their British NATO allies to hold their military and security force personnel to account for crimes, including murder, no matter how long ago such crimes were permitted. Those responsible for collusion and cover-ups of conflict crimes must also be brought to account.
2. That US Members of Congress invite British Members of Parliament, to explain and justify the proposed legislation.
3. That US government officials, including Members of Congress, speak out publicly against the ongoing vilification of human rights lawyers in Northern Ireland, including Colin Harvey.
4. That Members of this Commission, and other Congressional Committees, not only continue to invite human rights activists and experts from Northern Ireland to speak at Congressional events in Washington, but when travel permits that Members of Congress visit Northern Ireland and meet those searching for justice.