



Ancient Order of  
**HIBERNIANS**  
Irish • Catholic • American



February 15, 2022

**Northern Ireland: Accountability at Risk**

Testimony submitted to the Lantos Commission by Daniel J O'Connell,  
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As President of the Ancient Order of Hibernians America's oldest and largest Irish American organization with members in all 50 states, I must begin by thanking the Commission, especially Co-chairs Chris Smith and James McGovern, and all the members present, for convening a hearing on this crucial issue. Victims' families are deeply grateful for actions such as this Lantos Commission hearing, or Congressman Keating's pending House Resolution 888, opposing British amnesty laws, or Congressional letters spearheaded by Congressmen Boyle and Fitzpatrick to British Prime Minister Boris Johnson, by Congressmen Neal and Suozzi to Secretary of State Blinken.

As you noted in your Announcement of today's hearing, the Irish conflict sometimes known as the "Troubles", claimed the lives of more than 3,500 people. For hundreds of families, who saw loved ones murdered by British crown forces or loyalist agents, their loss was compounded by the belief that the British state was complicit in the murder of their loved ones. Often such killings were accompanied by false statements appearing in newspapers or on television, which excused these murders by defaming the dead.

The Good Friday Agreement promised heartbroken families a fresh start and new hope for justice. Indeed, the Agreement's second paragraph, promised them that participants would "*never forget those who have died or been injured, and their families*" and pledged the "*protection and vindication of the human rights of all.*"

Bereaved families, relying on this promised new hope for justice, came together and formed human rights NGOs like **Relatives for Justice**, or campaigns around specific killings like the **Ballymurphy Massacre Campaign**. The right to life guaranteed them by Article 2 of the European Convention on Human Rights, has been held by the European Court of Human Rights to require an effective official investigation, when individuals have been killed because of the use of force by agents of the state or by others.

Victims' families felt that impartial investigations into the killings of their loved ones would at least provide the consolation of truth and a prospect of justice. They pursued the array of existing legal

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proceedings such as Inquests, civil cases, Ombudsman investigations, and judicial reviews. Meanwhile there was a search for legal mechanisms which would allow for impartial and effective investigation into these killings.

## **STORMONT HOUSE AGREEMENT**

There were a series of European and British court cases as well as party negotiations to find mechanisms capable of delivering impartial investigations into legacy killings. These included extended negotiations chaired by Americans Richard Haas and Meghan O'Sullivan of the Council on Foreign Relations, which ended unsuccessfully in December 2013.

Sixteen years after the Good Friday Agreement, the British and Irish governments finally entered the Stormont House Agreement in December 2014. They agreed four new legacy bodies among them a Historical Investigations Unit, which could investigate controversial conflict killings including those by British forces or collusion killings. It also proposed an Independent Commission on Information Retrieval, an Oral History Archive and an Implementation and Reconciliation Group.

The British government never implemented their agreement. They instead began a series of delays. They still refused to implement Stormont House Agreement legislation even after their own public consultation showed around 95% support. Two years ago as part of the New Decade New Approach agreement, the British pledged to legislate the Stormont House legacy mechanisms within 100 days.

## **BALLYMURPHY VERDICT**

Meanwhile victims' families using existing legal procedures were finding that instead of keeping the promises of the Good Friday Agreement, the British government was blocking their hopes for truth. British policy was characterized by members of the Ballymurphy Massacre families and other victims' campaigns, as a deliberate strategy of "Deny, delay and die."

Deny the truth, until the truth becomes undeniable. Delay legacy inquests, ombudsman reports, civil actions, or any legal path to justice, until no further delays were possible. Wait for survivors, eyewitnesses, or close family members to die, and maybe make others lose heart or interest.

Using the Ballymurphy Massacre as one example, the denials began 50 years ago, when the British denied that shooting dead a priest, a grandmother and eight others between August 8<sup>th</sup>-11<sup>th</sup> 1971, had been wrong. They blamed the dead to justify massacre. Newspapers and television news reported that the dead had opened fire on the British paratroop regiment and were killed only because troopers were forced to return fire.

Delays began immediately. It took until November 2011 for new inquests to be ordered. Funding for inquests was blocked amidst insults about the wishes of "innocent victims." Some parents, spouses, and close relatives of the Ballymurphy victims did not live to see their loved ones exonerated. Some witnesses died before giving testimony.

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After 18,171 days, almost half a century, the Inquest verdict by Mrs. Justice Keegan in her Inquest verdict held that all the victims were unarmed and entirely innocent. Justice Keegan not only confirmed that the ten victims of Britain's Ballymurphy Massacre were totally innocent, but exposed the orchestrated cover-up used to brand each victim guilty. The Ballymurphy Massacre families were celebrated and seen as an inspiration to other victims' families

## **IMPUNITY PROPOSALS**

On the very day the Ballymurphy Massacre verdict was being read in a Belfast courtroom, the British government used the Queen's Speech in the House of Lords to announce their intention to bring forward new legacy legislation. These were presented in a Command Paper last July. Among the excuses for new proposals was that "the Ballymurphy Families should not have had to wait 50 years for justice" or that the "existing mechanisms were not working for anyone". These excuses ignored the facts that the Ballymurphy families had to wait so long because of British government delays, or that the Stormont House legacy mechanisms were not working because the British government never implemented them.

The new British proposals, titled 'Addressing the legacy of Northern Ireland's past', were described as a plan to bury Britain's legacy in the north's conflict. Britain will enact an Amnesty dressed up as a statute of limitations, so that no one could be prosecuted for murders during the Troubles. While ostensibly applying to all killings, the real beneficiary would be members of the British Army, and Royal Ulster Constabulary, who never faced charges for murders like those in Ballymurphy or collusion killings. During the Troubles, crown forces and non-jury Diplock Courts had no hesitancy in jailing Republicans, while only a literal handful of British troopers were jailed for conflict killings.

Britain will also use the statute of limitations gimmick to take away existing legal rights to inquests and civil actions, to prevent more proceedings, like the Ballymurphy inquest, from revealing more embarrassing truth about British crown killings.

Britain wants to remove the Historical Investigations Unit (HIU) from its Stormont House legacy mechanisms, agreed with the Irish government in December 2014. An HIU conducting genuine investigations of all controversial killings is viewed as the key component of Stormont House, which could give everyone truth in hundreds of other crown force or collusion killing or killings by Republicans.

Instead of an HIU, the British would create an Information Recovery Body, citing the Truth and Reconciliation Commission in South Africa as a case study. South Africa required state force killers to reveal the truth as a condition of getting an amnesty. The British are giving amnesty in advance so that no one would have any incentive to come forward.

The Irish government, six county political parties, religious leaders, legal experts and justice campaigners slammed British plans on crown legacy killings, accusing Britain of "bad faith" and "rewriting the rules of justice."

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Within past month Police Ombudsman Marie Anderson has issued two damning reports which indicate the Royal Ulster Constabulary's complicity in murders was part of a deliberate policy carried out across the six counties. There have been several civil actions where the British government paid out large sums to victims' families killed in collusion murders.

British Secretary Brandon Lewis was in Washington last week trying to justify his proposal to end Ombudsman investigations, criminal cases, Historical Investigations, Inquests, or civil suits, or anything else which could give the truth in hundreds of crown force or collusion killings.

The families of those victims, who have spent decades fighting for justice, are appealing for American help to stop Britain's planned amnesty whitewash!

Thank you,



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### ***About The Ancient Order of Hibernians***

Founded in 1836 with membership in all 50 states, the Ancient Order of Hibernians is the oldest and largest Irish-Catholic Organization in the United States.

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