

# Experts sound warning over British Government's Troubles amnesty proposal

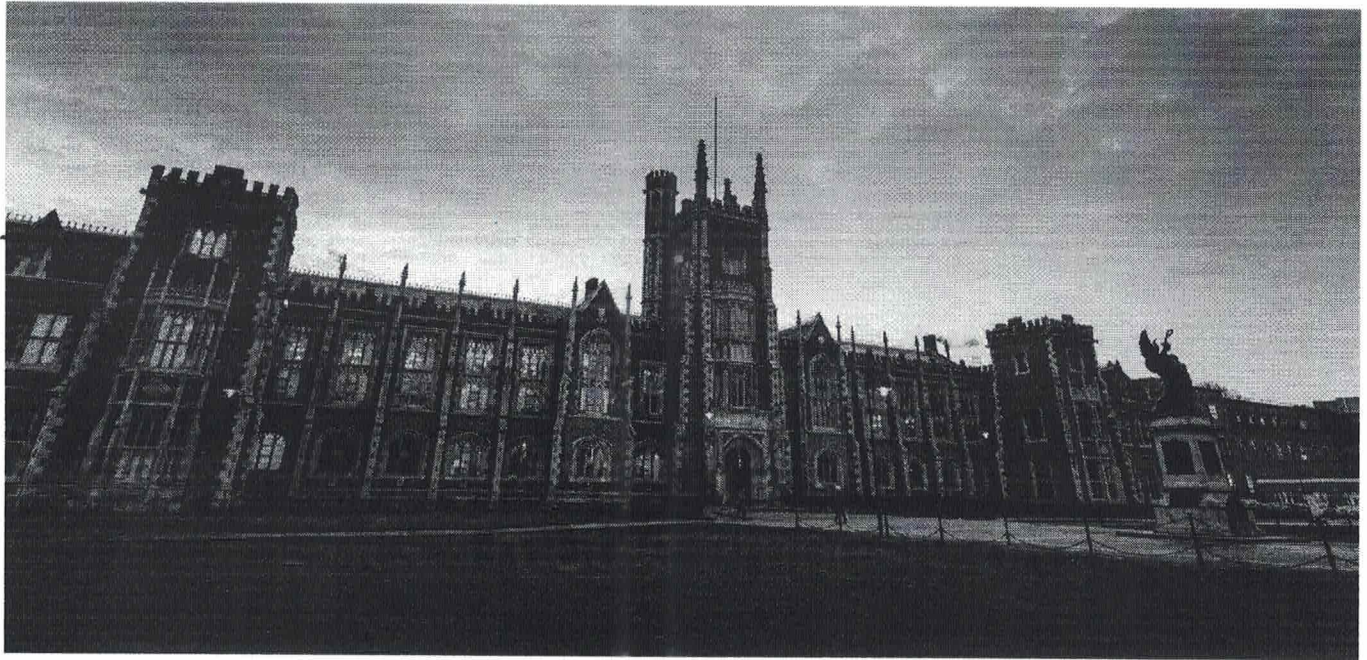
Michael Jackson September 13, 2021 12:07

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Legacy experts at Queen's University Belfast and locally-based human rights group the Committee on the Administration of Justice (CAJ) have found that the British Government's proposals for a 'Troubles' amnesty cannot deliver truth for victims.

The team have published a new report that benchmarks the government's legacy command paper against international and domestic human rights law, the Good Friday Agreement, and other international experiences of amnesties for past human rights violations.

The report – 'Addressing the Legacy of Northern Ireland's Past' – found that the implementation of an "unconditional amnesty" would signal to other governments that "they too can legislate for impunity and evade their international legal obligations".

Professor Louise Mallinder, from the School of Law at Queen's University Belfast said: "The effect of the proposed UK government amnesty would be to prevent not only criminal prosecutions but also to close down current or future investigations in the civil courts, in coronial inquests or Police Ombudsman investigations – all of which would be closed off to families. I have been working on amnesties around the world for almost twenty years and I have analysed almost 300 amnesties related to conflict and peace from 1990 until 2016. The proposed UK amnesty would offer the broadest form of impunity of all the amnesties surveyed."

The British Government's proposals will also replace families' ability to seek truth through the courts and police investigations, and instead offer them the option to engage with a new Information Recovery Body (IRB).

Daniel Holder, CAJ Deputy Director, said: "It is simply not true to suggest that the present proposals represent a change of direction towards information recovery.

"The existing judicial and police legacy processes and the proposed investigative mechanism in the Stormont House Agreement largely focused all have 'teeth' to provide families with information – legal powers to not only access information and intelligence but powers to search premises, seize documents, question suspects and so forth.

"What is different is that the proposed IRB will have far more limited powers, essentially limiting it to a desktop review of papers and taking voluntary statements. Such powers fall significantly short compared to those already available to the PSNI, the Police Ombudsman or judicial powers of discovery in a prosecution, inquest or civil action. At the same time, there will be increased powers to prosecute official whistle-blowers and journalists for providing information to families outside of reports approved by ministers. What is now being proposed is the least likely model to get at the truth, victims and survivors will get less information not more."

Professor Kieran McEvoy, Professor of Law and Transitional Justice at Queen's University Belfast, added: "Underpinning these proposals is a misleading suggestion that progress on information recovery and indeed oral history and memorialisation initiatives is dependent on closing down access to the courts. These proposals represent a unilateral abandonment of the Stormont House Agreement (1), a breach of the Good Friday Agreement and a betrayal of repeated promises made to victims. This government's policy on legacy in Northern Ireland is seemingly driven primarily by concerns in Westminster for the fate of a small number of British army veterans being prosecuted for conflict related offences.

"Last year we produced a report which included options, which would have seen the implementation of the Stormont House Agreement, upholding the Good Friday Agreement and the rule of law but reducing all conflict-related sentences from two years to zero. The current proposals – to introduce an amnesty while at the same time reducing the legal powers to achieve information recovery - are very likely to be in breach of human rights law. Moreover, given the widespread opposition in Northern Ireland from across the political spectrum and in civil society, they are politically unworkable."

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