



## Defence Committee

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### **Defence Committee Submission to NIO Consultation: 'Addressing the Legacy of Northern Ireland's Past'**

Thank you for your letter, dated 22 May 2018, regarding the Northern Ireland Office's consultation on legacy issues in Northern Ireland. Please consider this letter and the attached copy of our report, *Investigations into fatalities in Northern Ireland involving British military personnel*, as the Committee's official submission to the consultation.

As your letter acknowledges, there are alternative views to addressing legacy issues than those included in your consultation. You will be aware, that the Defence Committee in the last Parliament paid considerable attention to these issues, so far as they relate to investigations into Troubles-related fatalities involving British military personnel.

Our report on these investigations drew on expert evidence from a panel of distinguished legal professors, as well as written evidence from the PSNI. The report, which was agreed unanimously, concluded that the overall process of these investigations had been "deeply unsatisfactory", had "delivered a vicious cycle of investigation and re-investigation" that fails both our veterans and the families of those who died and was not sustainable.

We outlined a menu of potential options for the Government to remedy the situation and, as you know, we concluded in favour of Option One, namely "the enactment of a statute of limitations, covering all Troubles-related incidents, up to the signing of the 1998 Belfast Agreement, which involved former members of the Armed Forces". Furthermore, and in the light of the European Court of Human Rights case law, we recommended that such a statute should be accompanied with a 'truth recovery mechanism'. As our report noted, such a mechanism "would provide the best possible prospect of bereaved families finding out the facts". **This continues to be the unanimous view of the Committee.**

In its official response to our report, the Government told us that it:

**...intends to include within its forthcoming consultation on the draft Northern Ireland (Stormont House Agreement) Bill a section entitled 'Alternative approaches to addressing the past'. This section of the consultation will discuss alternative ways forward and include a description of the Committee's recommendation. The consultation will invite respondents to give their views on 'the potential effectiveness and**

**appropriateness of alternative approaches such as amnesties and a statute of limitations to address the legacy of Northern Ireland's past'. Following the consultation's conclusion, the Government will consider all views carefully to inform next steps.**

We were, therefore, particularly disappointed and frankly surprised that, when the consultation was published last month, it contained no such section on alternative approaches to the past that included a description of our recommendations. Instead, the only reference to alternative views was the inclusion of Question 14 which asked:

Do you have any views on different ways to address the legacy of Northern Ireland's past, not outlined in this consultation paper?

In our report, we repeated our warning from our IHAT inquiry that "in adhering to the pursuit of justice and the rule of law, the Government must not lose sight of its moral responsibility and its commitment to the Armed Forces Covenant". We also warned that unless the Government took the steps we outlined, as a priority, to protect former Service personnel, "then the spectre of another IHAT debacle will become all too real".

Sadly, the Government's legacy consultation has done little to relieve us of these fears. Indeed, our concerns are such that we intend to return to the subject of statute of limitations and, once again, to explore how former Service personnel can be protected from the spectre of investigation and re-investigation for events that happened many years, and often decades, earlier.

The Government has a moral duty to defend those who served in the defence of our country, whether that was in Northern Ireland, Iraq or Afghanistan. Even veterans of the Falklands campaign in 1982 have told me that they, too, could be targeted. It simply cannot be right that veterans, who were the subject of investigations at the time of the events in question and subsequently cleared, are now living in fear of re-investigations and the threat of prosecutions.

Despite our disappointment at your department's legacy consultation, it is not too late for the Government to act.

*Yours sincerely,  
Julian Lewis*

Rt Hon Dr Julian Lewis MP  
Chairman of the Defence Committee

cc: Prime Minister  
Secretary of State for Defence