

Ref: TG EUR 45/2013.048

Dr Hywel Francis MP
 Chair, Joint Committee on Human Rights
 Committee Office
 House of Commons
 7 Millbank
 London SW1P 3JA

**AMNESTY
 INTERNATIONAL**



AMNESTY INTERNATIONAL INTERNATIONAL SECRETARIAT
 Peter Benenson House, 1 Easton Street,
 London WC1X 0DW, United Kingdom
 T: +44 (0)20 7413 5500 F: +44 (0)20 7956 1157
 E: amnestyis@amnesty.org W: www.amnesty.org

16 October 2013

Dear Chair

ACCOUNTABILITY FOR HUMAN RIGHTS VIOLATIONS AND ABUSES IN NORTHERN IRELAND

I am writing in relation to a recent Amnesty International report on the state of play of accountability for human rights violations and abuses relating to the conflict in Northern Ireland, and to seek a meeting to discuss our key human rights concerns with you.

The enclosed report "Northern Ireland: Time to deal with the past," published last month in Belfast, is the culmination of a year and a half of research; it looks at the legacy of three decades of political violence which left over 3,600 dead and over 40,000 injured, with widespread human rights violations by state actors and abuses by armed groups, from all sides. Fifteen years since the Belfast/Good Friday Agreement, the report documents the search for the truth about the past in Northern Ireland. It assesses the work of the established formal investigatory mechanisms, and sets out what remains missing for families, communities, and society at large.

In our research, we found that although some of these mechanisms have the potential to work well – and some have done so in specific, limited instances – by and large they either have fallen or are falling short of human rights standards because of their failure to conduct prompt, thorough and effective investigations in an independent and impartial manner. This has undermined confidence and trust in their ability to deliver the truth about the past. Their inherent limitations and narrow mandates have meant that they cannot – even collectively – provide the full truth about human rights violations and abuses committed by all sides during the three decades of political violence.

Our research shows that the piecemeal system that exists to investigate cases arising from the decades of violence in Northern Ireland, falls short of discharging the United Kingdom's international human rights obligations, under both the European Convention on Human Rights and other international human rights treaties. As you will know, the UK remains under supervision by the Committee of Ministers of the Council of Europe with respect to a series of cases involving the actions of the security forces in Northern Ireland. Indeed, the recent decision of *McCaughey and Others v the United Kingdom* in July 2013, which found the UK to be in violation of article 2 of the Convention due to the endemic delays within the inquest system in Northern Ireland, serves to highlight the ongoing failure of the UK to meet its human rights obligations in this context. As Judge Kalaydjieva reflected in her concurring opinion:

"the period of demonstrated, if not deliberate, systematic refusals and failures to undertake timely and adequate investigation and to take all necessary steps to investigate arguable allegations under Articles 2 and 3 seem as a matter of principle to make it possible for at least some agents of the State to benefit from virtual impunity as a result of the passage of time".

Likewise, in its recent concluding observations the Committee Against Torture recommended that the UK *"develop a comprehensive framework for transitional justice in Northern Ireland and ensure that prompt, thorough and independent investigations are conducted to establish the truth and identify, prosecute and punish perpetrators"*.

Our report sets out the case for establishing a single comprehensive mechanism to deal with the past in Northern Ireland and fulfil the UK's international human rights obligations. Such a mechanism should provide victims and society as a whole with the truth to the fullest extent possible about violations and abuses and contribute to ensuring justice and reparation. It should be victim-focused and be able to, among other things, investigate all outstanding cases and patterns of abuses and violations, have powers to compel witnesses and documents and be able to develop recommendations aimed at securing full reparation for victims and helping to bring an end to violence and division. Drawing on Amnesty International's past experience and research across the globe, the report outlines central principles to help guide the establishment of such a mechanism.

We would very much like the opportunity to meet with you to discuss the reports findings in detail, and in particular, the ongoing failure by successive UK governments to live up to their international human rights obligations when dealing with the past in Northern Ireland. We would also like to discuss with you whether there is scope for the human rights issues highlighted in the report be raised formally with your Committee.

Should your Committee's staff require further information or wish to arrange a meeting, I would gratefully request that they contact the Amnesty International team conducting the research directly at UK-SHR@amnesty.org. My colleagues and I look forward to hearing from you.

Yours sincerely



John Dalhuisen
Director
Europe and Central Asia Programme