

Amnesty International UK (AIUK) is a national section of a global movement of more than ten million people in more than 150 countries and territories. We campaign to end abuses of human rights. Across the UK, we have 520,000 activists and supporters campaigning on local, national, and international issues. We are independent of any government, political ideology, economic interest, or religion.

EMBARGOED 4PM 10 NOVEMBER 2022

My name is Grainne Teggart, I'm the N. Ireland Deputy Director of Amnesty International UK where I manage our campaigns, strategic litigation, and political/government affairs across a range of areas including dealing with the past - the **Northern Ireland Troubles (Legacy and Reconciliation) Bill** - and UK Government threats to the Human Rights Act. I'd like to thank the Chair and Committee for the opportunity to be here today to discuss these two matters of grave concern. I will discuss each in turn. For the Troubles Bill discussion, I'm joined today by Michael O'Hare and Eugene Reavey. Michael O'Hare is the brother of Majella O'Hare, a 12-year-old girl shot dead by a British Army soldier in 1976. On 14 August 1976, Majella was on her way to church with a group of friends in the Armagh village of Whitecross. They walked past an army patrol and, when she was about 20 or 30 yards beyond it, a soldier shot Majella with his machine gun. In 2011, the Ministry of Defence apologised for the killing, but no-one has ever been held accountable for it. Eugene Reavey is brother of John Martin, Brian and Anthony, who were murdered by the UVF in 1976. The killings were part of a string of attacks on Catholics by the 'Glenanne Gang' made up of UVF, UDR and RUC. I'll make some introductory remarks before handing over to Michael and Eugene to do same and then we'll be happy to answer any questions.

From the outset, I wish to express Amnesty's grave concern and opposition to the Troubles Bill which would institute a de facto amnesty for grave human rights violations committed during the conflict. The Bill fails to comply with the UK's human rights obligations, is a significant interference in the justice system, undermines the rule of law and will set a dangerous precedent internationally, including by signalling to other states that they too can ignore their human rights obligations. This Bill cannot be amended to be Human Rights compliant. We do not see this as a Bill which can be 'fixed'. **Therefore, Amnesty calls for the Northern Ireland Troubles Bill to be dropped entirely.** Upon doing so, we urge the UK government to revert to the Stormont House Agreement which, with some adjustments, offered a human rights compliant way forward. We view the Troubles Bill as a cruel betrayal of victims' and one which very clearly sacrifices their rights in favour of shielding perpetrators of serious human rights violations such as murder and torture.

As part of our ongoing work on these matters, we have been engaging with [victims](#), the UN [Special](#) Rapporteurs and advisers in OHCHR, CoE [Commissioner](#) on Human [Rights](#), Irish Department of Foreign Affairs officials, US [Congress](#), US State Department (including US Global Justice Ambassador) and local US Consul General on these matters. We're also currently engaged in the UN Universal Periodic Review of the UK's human rights record,

meeting with various States around our core recommendations which include both the Troubles Bill and the Human Rights Act.

It is very telling that since the publication of the command paper in 2021 we saw swift and important interventions by various international actors - in clear recognition of the significance of the UK government's proposals which are a flagrant breach of international human rights obligations and with a view to the precedent which would be set by a State of the UK's international standing seeking to introduce such a broad-sweeping amnesty. This followed the unequivocal rejection we saw from victims, victims' groups, political parties in Northern Ireland, Amnesty International and others.

Our analysis of the Bill addressing its provisions under headings of review of deaths, 'conditional' immunity and cessation of proceedings are in the briefing provided. Overall, I would highlight that the Bill is unworkable, in breach of binding international law and the Good Friday Agreement, including by denying remedies for breaches of the European Convention on Human Rights and denying access to the courts. Human rights compliant investigations will be replaced by toothless, light touch reviews which will not deliver for victims. The time-limited period given for reviews is also not ECHR compatible.

Many will previously have mentioned the lack of meaningful consultation – including with the Northern Ireland Human Rights Commission, a Good Friday Agreement body with a mandate of advising on the human rights compatibility of legislation - from the UK government prior to their unilateral departure from Stormont House Agreement and the commitment to this reaffirmed in New Decade New Approach Agreement and since. We share these concerns. I'd also like to highlight the pace with which the Bill was progressed through the House of Commons stages before reaching the House of Lords – this was also of notable concern. The whole of House committee stage isn't itself entirely uncommon but the woefully inadequate 2 days given to this served to curtail the level of scrutiny needed for a Bill with such serious implications. We understand the Bill will receive its second reading in the House of Lords later this month where we expect it will be subject to greater scrutiny. However, parliamentary arithmetic being what it is, we can see that the current trajectory for this Bill is to be passed by Parliament.

This brings us to the point of inevitable legal challenge should the UK government fail to heed the warnings around this Bill and it is put on the statute books. Understandably, we expect to see multiple legal challenges mounted, and as Amnesty, we will observe these closely with a possible view to intervention. It is important that the burden of challenge does not fall solely to victims who have already been impacted by the multiple decades-long failings of the State to deliver the truth, justice and accountability to which they are entitled. Many do not have the years it will take to go through the domestic courts and eventually on to the European Court of Human Rights. Therefore, many will hold an expectation/it is our view that the Irish Government should commit to an inter-state challenge if the British Government continues with this unilateral action. The Irish government have been clear in their opposition to the Troubles Bill, this is very welcome. Regrettably, with second reading in the House of Lords soon expected, the UK government does not appear to be heeding the overwhelming opposition to the Bill across our society and internationally.

Therefore, we urge the Irish government to commit to taking an inter-state case to the European Court of Human Rights if this Bill becomes law. This isn't without precedent; we've seen this previously in relation to torture. But of course, even now, it is not too late for Rishi Sunak to do the right thing and vindicate rights rather than remove them.

Human Rights Act

Amnesty is deeply concerned by the UK Government's threats to the Human Rights Act and rights protections in the UK. The recent ironically named Bill of Rights Bill (BoRB) we understand is now set for a return and would upend the UK's existing model of rights. It seeks to heavily steer and control the approach that the domestic courts would take to human rights issues. Clause after clause either imposed new definitions of rights, closed off interpretive avenues from courts or sought to heavily tilt the scales of interpretation away from protecting individual rights and towards protecting government policy and public authorities. It would also set a damaging precedent internationally, handing huge powers to Government to significantly limit the judicial protection of rights and protect Ministers and public authorities from accountability for human rights violations. It also undermined the principle of universality of human rights, further limiting access to justice for rights violations and breached the Good Friday Agreement.

The incorporation of the European Convention on Human Rights into Northern Ireland law is an explicit commitment of the Good Friday Agreement. The effective delivery of ECHR rights in Northern Ireland *domestic* law through the HRA and the Northern Ireland Act 1998 ('NIA') are the mechanisms that delivered this commitment. The HRA and the NIA, therefore, have constitutional functions in Northern Ireland that are unique in the UK.

Any amendment of the HRA necessitates a process of review between the British and Irish Governments in consultation with the NI Assembly parties. It is very difficult to see how international and local agreement could be secured for changes, particularly similar to those proposed. Reducing access to rights would breach a carefully crafted peace agreement and upset the delicate balance that has been hard won over the years.

Whilst much is changing at a rapid pace with British politics at the minute, what remains constant is the reckless approach to undermining rights, unilateral action on a range of matters which has a destabilising effect on core safeguards of the Good Friday Agreement, toying with our delicate peace settlement and reneging on agreements made with the Irish Government (and others). We expect the ironically named 'Bill of Rights' Bill to progress to second reading imminently. There is also a possibility that it could look slightly different. We would urge the committee to follow developments closely and would appreciate the opportunity to address the Committee again when this Bill is progressed or when we see the next iteration.

I'll now hand over to Michael O'Hare first of all and then Eugene Reavey to make their remarks on the Bill, after which we'll be happy to take any questions. Thank you.