



ELDH European Association of Lawyers for Democracy & World Human Rights

WITH LAWYERS
IN 21 COUNTRIES

EJDM Europäische Vereinigung von Juristinnen & Juristen für Demokratie und Menschenrechte in der Welt

EJDH Asociación Europea de los Juristas por la Democracia y los Derechos Humanos en el Mundo

EJDH Association Européenne des Juristes pour la Démocratie & les Droits de l'Homme

EGDU Associazione Europea delle Giuriste e dei Giuristi per la Democrazia e i diritti dell'Uomo nel Mondo

Equality Privacy Social Rights
No Racism Peace No Torture No War
Self-Determination of Peoples Democracy
Human Rights Rights of Migrants

Bologna, Düsseldorf, London, Vienna, 24 March 2022

Failure of the United Kingdom to investigate and prosecute murders

ELDH condemns the abject failure of the United Kingdom to investigate and prosecute murders which took place 30 and more years ago

ELDH, with individual members and lawyers' associations in 21 European countries, shares the "deep concern" and "profound concern" expressed by the 1428th Meeting on 8-9 March 2022 of the Committee of Ministers (CoM) of the Council of Europe (CoE), on supervision of the execution of the judgments of the European Court of Human Rights (ECtHR), referring to H-46-43, the *McKerr group of cases v the United Kingdom* (Application No.28883/95) – "shoot to kill", or extrajudicial executions.

In the internal armed conflict, known as "The Troubles", which lasted from 1969 to 1999, 3,500 people were killed and more than 40,000 injured.

On 30 January 1972 British soldiers shot 26 unarmed civilians in "Bloody Sunday". It was only in 1998 that an Inquiry recognised that the killings were unjustified and unjustifiable. Prime Minister Cameron apologised. In 1998 one of the soldiers concerned was prosecuted, but the prosecution was terminated without a result in 2021. Not a single soldier has been held to account.

The *McKerr group of cases*, to which the CoM referred, relate to killings, extrajudicial executions, in 1982. In November 1989 the ECtHR convicted the UK of violations of Article 2 of the ECHR (Right to Life) on the basis that the UK had failed to conduct effective investigations into the killings, in which there was strong suspicion of British government collusion.

In 1989 the solicitor Pat Finucane was murdered at his home in front of his family, and in 2003 the ECtHR once again convicted the UK of a violation of Article 2, again because of its failure to carry

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out an effective investigation, given strong suspicion of collusion. The case was closed by the CoE in 2009, but very exceptionally re-opened in March 2021.

In September 2021 the UK government announced its intention to grant an amnesty to all those involved in these murders, a level of impunity, in the words of Professor Louise Mallinder of Queens University Belfast, even wider than that ordered by Pinochet in Chile, more sweeping than in 300 post-conflict amnesties since WWII.

ELDH demands that the UK

- Carries out an immediate effective investigation into all murders committed in Northern Ireland, especially those mentioned above
- Brings to trial all those against whom evidence has been discovered
- Ceases forthwith the policy of sweeping unconditional amnesty, and in particular retracts the intention to block investigations, legacy inquests and civil actions, as outlined in the Command Paper of July 2021, which would interfere with due legal process