



ELDH European Association of Lawyers for Democracy & World Human Rights

WITH LAWYERS
IN 22 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, 21 September 2023

Northern Ireland Troubles (Legacy and Reconciliation) Act 2023

The European Lawyers for Democracy and Human Rights (ELDH) condemns the actions of the UK Government in proceeding to enact the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 (the Legacy Act) following Royal Assent on 18 September 2023.

Members of ELDH conducted a fact-finding mission to Ireland in October 2022 as part of an international delegation with the International Association of Democratic Lawyers (the Delegation). The Delegation produced a subsequent report on the human rights framework of the Belfast / Good Friday Agreement (B/GFA) in March 2023 ahead of its 25th anniversary. In that report, ELDH members supported the Delegation's call for the UK to scrap their plans for the Legacy Act because of its non-compliance with international human rights law, specifically Article 2 of the European Convention on Human Rights. The Delegation stressed that there should be a legacy process that respects and implements the Stormont House Agreement in a human-rights compliant manner.

On our fact-finding mission with the Delegation, we heard evidence of the widespread opposition of victims of the Troubles and their families to the Legacy Act, as well as from trade unions, victim support groups and human rights organisations based in Northern Ireland. We note that members of the international human rights community have condemned the Legacy Act as being non-compliant with international human rights law. These experts include the Council of Europe's Committee of Ministers, the UN High Commissioner for Human Rights, Volker Türk, and UN Special Rapporteurs (Fabián Salvioli, Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence; and Morris Tidball-Binz, Special Rapporteur on extrajudicial, summary or arbitrary executions). The Northern Ireland Human Rights Commission condemned the Legacy Act as 'fatally flawed' and unlawful.

ELDH European Association of Lawyers for Democracy & World Human Rights

Co-President: Professor Bill Bowring, London | E-Mail: bill.bowring@eldh.eu | Phone +44 (0)781 048 34 39

Co-President: Barbara Spinelli, lawyer, Bologna | -E-Mail avv.barbaraspinelli@gmail.com | Phone +39 051 4116817

Présidente d'honneur: Professeure Monique Chemillier-Gendreau, Paris

Co-Secretary General: Thomas Schmidt (lawyer), Düsseldorf | E-Mail: thomas.schmidt@eldh.eu | Phone +49 (0)172 68 10 888

Co-Secretary General: Serife Ceren Uysal (lawyer), Vienna | E-Mail: serifecerenuysal@gmail.com | Phone +43 664 4853347

Postal address: ELDH | Thomas Schmidt | Platanenstrasse 13 | D – 40233 Düsseldorf (Germany)

Website: www.eldh.eu

ELDH believes that the primary motivation for the Legacy Act was to preserve the UK Government's military veterans from investigation for its various outrages during the Troubles and to hide its 'dirty war' methods of collusion with loyalist paramilitaries. The patterns of state human rights violations that fuelled the conflict encompass impunity in relation to direct military killings; but also British security force collusion with paramilitary groups, as well as the use of torture. We offer our ongoing solidarity to the victims and survivors of the Troubles.

ELDH believes that the human rights framework of the B/GFA is now under serious strain, and we reiterate our support of the recommendation in the Delegation's report that the UK Government should cease its legal and political attacks on the B/GFA. We consider that the UK Government is not acting in good faith or fulfilling its role as an honest broker in maintaining the terms of the B/GFA.

In line with the recommendations of the Delegation's report, ELDH believes that an interstate case by the Irish Government against the UK Government is legally justified and necessary to help hold the UK accountable under international law for breach of Article 2 of the European Convention on Human Rights. We call upon the Irish Government to issue proceedings immediately to uphold the human rights of victims and survivors of the Troubles, including many Irish citizens.