



*The untold stories of  
Relatives, Victims, and Survivors*

**Relatives For Justice** (Head Office)

39 Glen Road  
Belfast  
BT11 8BB

**T:** 028 9062 7171  
**E:** [info@relativesforjustice.com](mailto:info@relativesforjustice.com)  
**www.relativesforjustice.com**

**Relatives for Justice**

42/44 Irish Street  
Dungannon  
BT70 1DQ

**Tel:** 028 8775 1697  
**Email:** [dungannon@relativesforjustice.com](mailto:dungannon@relativesforjustice.com)  
Twitter @RelsForJustice



**Relatives For Justice submission to the  
UN Human Rights Committee  
regarding the Eighth Periodic Report of the United  
Kingdom of Great Britain and Northern Ireland  
in compliance with the  
International Covenant on Civil and Political Rights**

September 2021



## 1. INTRODUCTION: RELATIVES FOR JUSTICE AND THE SCOPE OF THIS SUBMISSION

Relatives For Justice (RFJ) was established in 1991 by relatives of people killed in the conflict in the North of Ireland. We are a human rights' framed victim support NGO that provides holistic support services to the bereaved and injured of all the actors of the conflict on an inclusive and non-judgemental basis.

RFJ seeks to examine and develop transitional justice and truth recovery mechanisms assisting with individual healing, contributing to positive societal change, and ensuring the effective promotion and protection of human rights, social justice, and reconciliation in the context of an emerging participative post-conflict democracy.

This submission is intended to inform the UN Human Rights Committee (the Committee) of the lack of progress of the UK Government towards addressing the Committee's 2015 concluding observations regarding accountability for conflict-related human rights violations in the North of Ireland (paragraph 8). We also seek to provide an update of developments, particularly in response to the latest proposal of the UK Government to draw a line and establish a *de facto* amnesty for all troubles-related killings.

RFJ understand that only consistent international scrutiny is likely to encourage the UK Government to implement its international human rights obligations in respect of legacy issues. We therefore welcome that the Committee is maintaining its interest and pursuing its mandate by maintaining regular scrutiny of the UK's record. Without this, the UK Government's own approach to dealing with its actions would undermine the rule of law and respect for international human rights.

This report builds on our engagement with international human rights bodies, and it is structured in two substantive sections, following up on our previous shadow report submitted in January 2020: (a) the first follows RFJ's observations on the lack of progress by the British Government towards addressing the Committee's concluding observations regarding transitional justice in the North of Ireland; and (b) the second raises a number of issues about the consequences of those observations, as well as some other final conclusions. RFJ hopes that the Committee finds the following information of assistance in its continued monitoring of the UK Government's compliance with the International Covenant on Civil and Political Rights (ICCPR).

## 2. OBSERVATIONS ON THE LACK OF PROGRESS BY THE UK GOVERNMENT TOWARDS ADDRESSING THE COMMITTEE'S CONCLUDING OBSERVATIONS REGARDING ACCOUNTABILITY FOR CONFLICT-RELATED VIOLATIONS IN THE NORTH OF IRELAND

### Articles 6, 7, 14, 15, 16 and 26 of the ICCPR

The UK Government continues in clear breach of its international legal obligations regarding accountability for past human rights violations in the North of Ireland. The vague and insufficient Eighth Periodic Report submitted by them in July 2021 is just proof that they have no intention of righting this wrong. The fact that they failed to mention their latest proposals to push towards a statute of limitations and therefore erase any possibility of accountability regarding legacy issues is astonishing.

On the 14<sup>th</sup> of July 2021, Secretary of State (SoS) Brandon Lewis announced our worst suspicion on behalf of the UK Government; a *de facto* amnesty proposal for all conflict-related cases. This unilateral and unsupported plan was presented in a document titled 'Addressing the Legacy of Northern Ireland's Past'<sup>1</sup> and it also includes an end to all legacy inquests, investigations by the Police Ombudsman and civil actions related to the conflict in Ireland. The proposal met with loud and clear opposition from all political parties in Stormont, the Irish Government, all victims' and survivors' groups, as well as other organisations such as Amnesty International. There is also increasing opposition from US observers. RFJ respectfully requests that the Committee does the same; now more than ever, we need your intervention.

---

<sup>1</sup> 'Addressing the Legacy of Northern Ireland's Past' ([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1002140/CP\\_498\\_Addressing\\_the\\_Legacy\\_of\\_Northern\\_Ireland\\_s\\_Past.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1002140/CP_498_Addressing_the_Legacy_of_Northern_Ireland_s_Past.pdf)) presented in July 2021.

### ***1998-2021: 23 years of delay and prevarication***

It is 23 years since the signing of the Good Friday Agreement, and it has been well recognised that the processes to date have not met families' needs and have not been compliant with human rights law. In the absence of formal political engagement with the past until the Stormont House Agreement (SHA), there were two significant attempts by civil society to recommend processes for dealing with the past. The first came from a group called "Eolas" (Irish for 'knowledge') in 2003 and the second from Healing Through Remembering in 2006. It was clear from these initiatives, alongside growing frustrations of victims and survivors that a more comprehensive approach was required.

The first significant set of proposals came from the British Government appointed Consultative Group on the Past which suggested a comprehensive range of measures which touched on areas of reparation, acknowledgement, investigation, ex-prisoners' reintegration, accountability and memorialisation. Despite its thoughtful, wide-ranging and responsive proposals, the report was subject to sustained attack due to the publicity surrounding one proposal of an acknowledgement payment to all bereaved families.

The second set of proposals emerged from the internal political parties in the North of Ireland. The "Haass-O'Sullivan" proposals, facilitated by Dr Richard Haass and Professor Meghan O'Sullivan, were agreed but not formally signed off when talks concluded on New Year's Eve 2013. While not as comprehensive or detailed, the proposals drew on many of the Consultative Group's recommendations on investigation, accountability and acknowledgment, and also included for the first time the potential that incidents involving some of the most serious injuries sustained in the conflict might also be investigated. However, the two governments were not involved in the process; a significant gap.

In December 2014, the SHA provided an agreed four-pronged approach to dealing with the past. Its emphasis on human rights, victims' needs, and a multi-layered approach gave hope to many families, who, let's not forget, have lived through the initial violation and loss, and then multiple failed processes.

As explained in our previous submission in January 2020, RFJ welcomed the commitment to implementation of the institutional architecture agreed by all parties and the UK and Irish Governments around dealing with the past as part of the SHA. This included the establishment of an Historical Investigations Unit (HIU), which would have been the key element in terms of the UK's international human rights obligations, and would have benefited a greater number of victims and survivors from across the community. The support for the SHA has been wide and clear from across the human rights spectrum, including the Committee.

Progress towards implementation, however, should have been the task of the UK Government through its Northern Ireland Office (NIO). The primary requirement of underpinning legislation in the Westminster Parliament has been agreed from the start. Successive drafts of the proposed legislation were produced, yet never progressed, due to deliberate delay and obfuscation by the NIO. It is now seven years since the SHA was concluded and three years since a pointless consultation which only demonstrated – yet again – that the overwhelming weight of opinion was in favour of implementing the SHA without delay.

As anticipated in our last submissions, however, that has not happened. The UK Government's deliberate delay and prevarication have culminated in their real intention when it comes to dealing with the legacy of the conflict, that is, in a new proposal to avoid its legal obligations by protecting those within its armed forces, secret services and those within illegal organisations with whom they colluded. The Government made its first move in March 2020,

in the early days of the global pandemic, announcing the unilateral decision to withdraw from the SHA. After long months of confusion, cynicism and uncertainty, the Government's plan to end conflict-related investigations and prosecutions was confirmed on the 14<sup>th</sup> of July 2021, probably the single worst day for all victims during our peace process.

### ***The U-turn: 'Addressing the legacy of Northern Ireland's past'***

British Prime Minister Boris Johnson described his government's proposal as an "opportunity" for the North of Ireland to "draw a line under the Troubles", proof that he does not understand nor care about the North of Ireland and its people. At least he achieved what many others have failed to do; he has united all political parties in the Stormont Executive in one voice, a voice of outrage and opposition to the proposal. The Irish Government too has rejected it.

SoS Brandon Lewis tried to justify the new plan by saying the current system based on "divisive legal processes" is not working, to which we agree in part. The main reason for that, though, is the delay and prevarication policy by government agencies (the Ministry of Defence, the Police Service of Northern Ireland, the Northern Ireland Office, the UK Cabinet Office) that we already reported in our shadow report. For two decades, a cabal of senior officers in the Police Service of Northern Ireland (PSNI), former members of RUC Special Branch and the Ministry of Defence (MoD) have been fighting victims and their families tooth and nail, resisting court orders to disclose documents, using 'national security', secret courts and other proceedings to prevent effective investigations, delay investigations and/or discredit families. In our considered view, they have acted with bad faith and politically interfered with the rule of law and due process on these issues. Their work has resulted in July's announcement.

Furthermore, the foreword of the Government's document dares to point at *time* being an issue with legacy cases, and to the fact that victims are dying waiting, without the answers they are entitled to by law. This is indeed an issue, but it is the British Government that has been delaying and frustrating investigations into legacy cases and the implementation of Article 2 ECHR compliant mechanisms already agreed in the SHA, also in compliance with the ICCPR. This is nothing but an insult to our collective intelligence.

Based on those fallacies and derisive reasons, and cynically expressing that the UK Government "remains committed to the principles and spirit of the SHA", the proposal goes on to suggest that with a statute of limitation which would work as a *de facto* amnesty, the Government would then focus on "providing information to as many families as possible" through the establishment of "a new independent body" for information recovery. Having perniciously fought families for all this time, including an ever-increasing resistance to disclosure, for the British Government to now somehow suggest that, without the rule of law, the UK Government will hand over truth and information to families out of the goodness of their hearts is yet another insult and a denial of our collective experience. It is also a legal aberration that violates human rights to which victims are entitled, not least Articles 6 (right to life), 7 (prohibition of torture and cruel, inhuman or degrading treatment or punishment), 14, 15, 16 and 26 (fair trial rights) of the ICCPR. These proposals are only set out to guarantee state impunity. In order to achieve this, the UK Government is willing to make the interests of every single person affected by every single killing expendable. This is breath-taking.

During the conflict, 367 people were killed by the State directly, the vast majority unarmed and uninvolved civilians; investigations were by and large perfunctory and only a handful of prosecutions were brought with four British soldiers convicted of murder in respect to three



incidents that claimed the lives of four uninvolved civilians. All four were released significantly early after being sentenced, reinstated back to their regiments. Some were promoted. By contrast, tens of thousands of non-state participants to the conflict went to prison. Hundreds of citizens survived shootings by state forces. Thousands more were brutalised and tortured, and they still bear the physical and psychological scars.

In respect to State collusion with illegal paramilitary organisations, the use of agents and informers, the provision of information and intelligence for the purposes of targeting citizens for attacks and assassinations, and crucially weapons, demonstrate that those killed through a policy of collusion by far exceeds the figures of those killed directly by the State.

In September 1995, RFJ documented 229 murders from the period from December 1987 to September 1994 involving collusion after the rearming of loyalist paramilitaries with weapons imported from the then South African apartheid regime that involved all branches of the British security forces; RUC Special Branch, British Army intelligence and security services MI5 and MI6.

In addition, it has now been established that the notorious Glenanne Gang, comprised of serving RUC officers, British soldiers and loyalist paramilitaries, and active throughout the 1970's, were responsible for 120 murders. This included a campaign of bombings including those in Dublin and Monaghan in the Irish Republic that claimed 33 lives and injured approximately 300. On the 34th anniversary of the bombings, 17<sup>th</sup> of May 2008, an Irish parliamentary report by the Oireachtas, Joint Committee on Justice, accused the UK Government of being complicit in the attacks and of State-sponsored terrorism.

Indeed, the perpetration of the three largest bombs during the conflict, each claiming multiple lives and inflicting injuries, Dublin/Monaghan, McGurks (a public house in north Belfast where

15 people were killed), and the Omagh bomb of August 1998 by dissident republicans that claimed 29 lives, all involved State agents in which irrefutable evidence of collusion is established.

The British Government has resisted calls for independent inquiries, investigations, disclosures and vigorously fought judicial actions taken by the bereaved families of all these atrocities. The Police Ombudsman has also been consistently thwarted in their attempts to effectively investigate.

And we have the figures of approximately 40-50 people killed by the IRA as alleged British agents and informers working inside the IRA who were interrogated by the head of the IRA's internal security unit, Freddie Scappaticci codenamed Stakeknife, who was himself a British agent reporting back to his handlers every detail of those suspected of providing information to the British, their pending abductions, interrogations, and eventual murders. Indeed, many of those killed were deliberately sacrificed, given up, by their handlers in order to protect other more valuable agents; their fates sealed by the very authorities whose duty was to protect life.

And herein with this micro lens lies the very nub of a much wider macro-picture exposing precisely why the UK Government seeks to end any scrutiny of the past.

The UK Government proposes also to end inquests into deaths, legacy investigations by the Police Ombudsman and civil litigations by families. Over 900 civil cases currently reside with the courts regarding actions by all actors to the conflict, though primarily these cases have state agencies as defendants. There are over 450 complaints residing with the Police Ombudsman's Office which relate to RUC misfeasance in public office and criminal wrongdoing regarding State and non-state killings. There are over 45 inquests waiting to be heard and 40 awaiting progress – these inquests largely involve the State withholding information, even from

coroners. In short, the UK government's latest proposal is an overt attack on every observation made by the Committee as part of your continued monitoring of the UK Government's obligation to comply with the International Covenant on Civil and Political Rights.

The mealy-mouthed statements of good intent of the British Government were accompanied by the repetition of the vitriolic lies which have been thrown at families who merely seek legal redress. For the British Prime Minister to stand up and claim in the House of Commons that there have been "vexatious prosecutions" is a blatant lie. It builds on the campaigns where families and the criminal justice system itself have been accused of witch-hunts, while simultaneously members of the British Army being asked questions about killings are portrayed as victims. For anyone in any doubt, these proposals will not contribute to peace building or reconciliation. For this UK Government to use words like "moving forward" and "reconciliation" is beyond insulting. These words are merely cover for the UK Government using its sovereignty as a shield to prevent exposure of its criminal actions during the conflict. The proposals will prolong the suffering of generations of families, some of whom were not even born when the violations occurred, but whose whole lives have been framed by the pursuit of truth and justice.

The United Kingdom now stands as a rogue state in violation of its legal obligations to those worst affected by the conflict. This rogue government is denying rights to citizens who live in Britain and in Ireland, to citizens who are affected by the actions of the State and of non-state actors, to those who live with the effects of the most serious violations known. These proposals must be resisted by all interested in the rule of law, in human rights and in peace.

The legacy of the interminable failure to deliver rights to those who suffered harms serves only to compound and exacerbate the violation. The legal requirements are clear. The required

mechanisms are agreed. Legally compliant implementation of the SHA and its mechanisms is the only option forward.

*The Committee may wish to seek an update on the UK Government's real intentions and willingness to finally ensure that independent, impartial, prompt and effective investigations are held to comply with ICCPR Articles 6 and 7, as well as 14, 15, 16 and 26, with no conditions or other interferences.*

### 3. FINAL OBSERVATIONS

Unfortunately, the concluding remarks from our previous Shadow Report submitted in January 2020, remain apposite and we repeat some of them below.

Our concerns regarding the lack of measures to enable and ensure the participation of women in addressing the legacy of the conflict in the North or Ireland remain the same. The UNSCR 1325 still faces a particular challenge in its application to the region. The UK Government does not recognise the North of Ireland as having lived through a conflict. Its Action Plan on UNSCR 1325 does not recognise the State has any obligation to develop measures on women, peace and security in relation to the North on that basis. Equally, the CEDAW has run into the same lack of application and focus from either jurisdiction regarding women who survived the conflict in the North of Ireland. Somehow, international frameworks on recognition of conflict-related gender harms have by-passed the North of Ireland since the signing of the peace

agreement in 1998. This is in clear breach of the principles of UNSCR 1325 and, therefore, also in opposition to the essence of Article 3 ICCPR.

All the aspects mentioned in this document have a huge impact on victims and survivors, not only regarding their rights for truth and justice, but also on their suffering and health. As an NGO providing holistic support services to victims and survivors of the conflict, RFJ constantly witnesses the mental distress and anguish the bereaved and injured suffer as a consequence of this extreme delay and frustration in effectively dealing with the past.

For the victims and the bereaved, the continuous and deliberate delay in finding out the truth of what happened and getting justice and public acknowledgement – to which they are entitled by law – has exacerbated their trauma. Their severe suffering is in most cases interfering with their private, social, professional and family life, and many describe it as mental anguish comparable to that of psychological torture.

The correlation between the absence of knowledge as to what happened to a loved one and the severe mental anguish has already been established by international human rights bodies when resolving issues of forced disappearances, by affirming that the next-of-kin of disappeared persons must also be considered as victims of, *inter alia*, ill-treatment.

The Committee found that the mother of a young woman who was forcibly disappeared in Uruguay was suffering from anguish and stress caused by the continuing uncertainty concerning her daughter's fate and whereabouts. The Committee considered that the mother had the right to know what had happened to her daughter and that not having information about it due to the deliberate failure to properly investigate by the State constituted psychological torture. Therefore, she too was considered "a victim of the violations of the

Covenant (ICCPR) suffered by her daughter, in particular, of Article 7” (prohibition of torture or cruel, inhuman or degrading treatment).<sup>2</sup>

More recently, the European Court of Human Rights reached the same conclusion in a similar case, *Kurt v. Turkey*, when it declared that: “having regard to the circumstances described above as well as to the fact that the complainant was the mother of the victim of a human rights violation and herself the victim of the authorities’ complacency in the face of her anguish and distress, the Court finds that the respondent State is in breach of Article 3 (ECHR) in respect of the applicant.”<sup>3</sup>

The ECtHR established the following findings on a similar case in 2001:

*“172. The Court reiterates that ill-treatment must attain a **minimum level of severity** if it is to fall within the scope of Article 3 (see, among other authorities, the Cruz Varas and Others v. Sweden judgment of 20 March 1991, Series A no. 201, p. 31, § 83). Further, the Court has held that the suffering occasioned must attain a certain level before treatment can be considered as inhuman. **The assessment of this minimum is relative and depends on all the circumstances of the case, such as the duration of the treatment and its physical or mental effects** (see the above cited, Ireland v. the United Kingdom judgment, p. 65, § 162).*

*“173. It recalls in this respect that the applicant and her daughter made several applications to the public prosecutor and the gendarme commander following her sons’ disappearance in the definite belief that they had been kept in custody in the Lice Regional Boarding School. However, **the public prosecutor and the gendarmerie commander gave***

---

<sup>2</sup> Case *María del Carmen Almeida de Quinteros et al. v. Uruguay*, Communication No. 107/1981, UN Doc. CCPR/C/OP/2 at 138 (1990) para 14.

<sup>3</sup> Case *Kurt v. Turkey*, Appl. No. 15/1997/799/1002, ECtHR (25 May 1998) para 134.

*no serious consideration to her complaint. The Court observes that the applicant has had no news of her sons for almost six years. She has been living with the fear that her sons are dead and has made attempts before the public prosecutor and requested the authorities to be at least given their bodies. **The uncertainty, doubt and apprehension suffered by the applicant over a prolonged and continuing period of time has undoubtedly caused her severe mental distress and anguish.***

*“174. Having regard to the circumstances described above as well as to the fact that the complainant is the mother of victims of grave human rights violations and **herself the victim of the authorities’ complacency in the face of her anguish and distress, the Court finds that the respondent State is in breach of Article 3 in respect of the applicant.**”<sup>4</sup>*

The Inter-American Court of Human Rights has reached similar conclusions in similar cases, and it has stated that “the State is obligated to investigate every situation involving a violation of the rights protected by the Convention (the American Convention on Human Rights). **If the State apparatus acts in such a way that the violation goes unpunished and the victim’s full enjoyment of such rights is not restored as soon as possible, the State has failed to comply with its duty to ensure the free and full exercise of those rights** to the persons within its jurisdiction.”<sup>5</sup>

Although in the cases we work with the relatives know that their loved one was murdered, the severe and continuous distress and anguish caused by the lack of information about the incident along with the failure of the State to adequately investigate the death, and the fact

---

<sup>4</sup> Case *Çiçek v. Turkey* (Application no. 25704/94) ECtHR (05/09/2001) paras 172-174. (Emphasis by bold letters added by RFJ.)

<sup>5</sup> Case *Velásquez Rodríguez v. Honduras*, Inter-American Court of Human Rights (Judgment of 29/07/1988) para 176. (Emphasis in bold letter added by RFJ.)

that the State was directly or indirectly responsible could be comparable to that of the relatives of disappeared persons. The level of severity of the harm caused to the victims of the conflict by virtually denying or purposefully delaying ECHR Article 2 compliant investigations into their loved ones' murder is substantial and indisputable. The British Government is complacent with this severe suffering added to the original trauma of too many bereaved of the conflict, in that its general policy regarding the legacy of the past – mostly in cases where State agents could have been involved – is highlighted by wilful ignorance and unlawful delay. This has now been reinforced by the Government's new proposal for a *de facto* amnesty.

This is a matter of absolute human rights, and its relevance and the gravity of the situation require a shift on the part of the UK Government towards an unconditional, immediate and honest commitment to human rights and transitional justice, to adhere to its international legal obligations and the rule of law.