

Relatives For Justice submission to the

UN Human Rights Committee under the

International Covenant on Civil and Political Rights

***Shadow Report in preparation of the List of Issues and the Eighth Periodic Report of the United Kingdom of Great Britain and Northern Ireland***

January 2020



**\*\*\*\*PRELIMINARY REMARKS\*\*\*\***

Just as we were finalising this report, talks aimed at restoring the devolved institutions were successfully concluded on Saturday 11th January, 2020[[1]](#footnote-1). Included in the provisions of the written agreement – entitled **New Decade, New Approach**[[2]](#footnote-2) – is a fresh promise by the British government to table the legislation setting up the legacy institutions (outlined below) within 100 days of devolution being re-established in the north of Ireland. This was included despite the fact that legacy issues did not form part of the talks leading up to the agreement, on the basis that these had been concluded previously (in the **Stormont House Agreement** of 2014[[3]](#footnote-3)) and did not, therefore, need further discussion.

The new deadline for tabling the legacy legislation – 30th March 2020 – is welcome though the passage of the bill in the Westminster legislature is not likely to conclude until early 2021. Actually establishing the legacy architecture will likely take two years, meaning that the Article 2-compliant investigations may not begin until 2023.

This is plenty of time for hopes to be dashed, good beginnings to be undermined. Accordingly, notwithstanding the positive development last Saturday, the concerns that we outline below remain and we believe the Committee’s scrutiny of the UK government will continue to be an important oversight to a government that has thus far prevaricated and failed in fulfilling its duties under the **International Covenant of Civil and Political Rights** in respect of its role during the conflict between 1968 and 1998.

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

**1.1.** 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.

**1.2.** 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.

**1.3.** 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).

**1.4.** This report builds on our engagement with international human rights bodies, and it is structured in three substantive sections: (a) the first follows RFJ’s observations on the progress made by the UK towards addressing the Committee’s concluding observations regarding transitional justice in the North of Ireland; (b) the second presents RFJ’s ongoing concerns regarding the refusal of the UK Government to implement UNSCR1325; and (c) the third raises a number of issues about the consequences of those observations and it also contains some other final conclusions.

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

**2.1.A.** RFJ shared the Committee’s view in welcoming 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 Stormont House Agreement (SHA). This included the establishment of the Historical Investigations Unit (HIU), which would be the key element in terms of the UK’s international human rights obligations, and therefore would benefit the greater number of victims and survivors from across the community. However, the integrity and credibility of this Agreement is dependent on its effective and expeditious implementation, which has not yet occurred.

The delay in implementing the SHA and the mechanisms for dealing with the past exacerbates the human hurt and trauma all bereaved and injured carry, and it also leaves a continuing situation in which the UK remains in violation of its Article 2 ECHR legal obligations involving investigations into killings by the State and where collusion exists. Moreover, this deliberate delay and the general lack of response and action from the State could also constitute a breach of Article 7 ICCPR, regarding the mental distress and anguish that causes in relatives and victims. The HIU architecture must be advanced and implemented, as technically and legally this would not require consultation. It would merely be a matter of the UK finally adhering to its international legal obligations.

**2.1.B.** If the SHA is to be implemented in the future, RFJ is concerned and disappointed that the legislation will establish a limit on the independence of the HIU director in respect of the “national security interest of the United Kingdom” (clause 7(2)). The effect of this will be to allow the British Secretary of State (SoS), on the advice of intelligence organisations, to inhibit a truthful account being given by the HIU to families of those bereaved during the conflict. Rather than establish a properly independent investigative body, the British officials and drafters of the legislation have instead undermined the promise of the SHA by inserting the SoS as a block on any information which might be embarrassing or shows the commission of criminal offences by state operatives.

***The Committee may wish to seek an update on the measures the State has taken to advance and implement the SHA, as well as on its intentions and willingness to finally ensure that independent, impartial, prompt and effective investigations are held to comply with ICCPR Articles 6 and 7 and ECHR Article 2, with no conditions or other interferences.***

**2.2.A.** The Legacy Investigation Branch (LIB) of the Police Service of Northern Ireland (PSNI) continues investigating legacy cases, despite the findings by the courts that the LIB lacks the Article 2 ECHR requisite independence to do so.[[4]](#footnote-4) The LIB has no legitimacy to investigate legacy cases. The court cases have been unequivocal about their lack of independence, stating that it is not possible for it, as part of the PSNI, to effectively and independently investigate any conflict-related case.[[5]](#footnote-5) Furthermore, their investigative approach is totally inappropriate and inefficient, and their inadequate procedures only serve to exacerbate the trauma and grief of bereaved families in addition to denying their fundamental rights.

***The Committee may wish to seek an update from the State Party on its plans to disband the LIB and to give all legacy cases to the new HIU, which should be independent, sufficiently funded, effective and human rights compliant.***

**2.2.B.** The PSNI has failed to provide full disclosure to the Office of the Police Ombudsman of Northern Ireland (OPONI), and some reports outlining the findings of various investigations where Loyalist paramilitaries were involved have been delayed. The latest ongoing crisis emerged after the OPONI identified significant, sensitive information, some of which relates to covert policing, which was held by the PSNI but was not made available to the OPONI investigating events of the conflict. The timing of last-minute revelations of further undisclosed pertinent evidence which opened further lines of enquiry, shortly before planned publications of the OPONI, are suspicious to say the least. RFJ endorses the call for an independent review of how the PSNI deal with their legal obligations regarding disclosure.

All these aspects have aggravated the trauma experienced and delay felt by victims and their relatives, as well as their confidence and trust in the PSNI and the UK government to establish the truth and identify, prosecute and punish perpetrators of human rights violations, in particular the right to life (ICCPR Article 6).

***The Committee may wish to seek an update from the State Party on its plans to ensure the PSNI adheres to its legal obligations to provide full disclosure of documentation and material relevant to the investigations of conflict-related cases.***

**2.3.** The OPONI is under-resourced, and the funding issue has a remarkable impact on the investigations. This was also stated by a court following a legal challenge in 2017, when the relatives of a victim shot dead were told the OPONI’s inquiry was not expected to be completed until 2025. The judge criticised the ‘systemic and persistent’ underfunding of the OPONI,[[6]](#footnote-6) and the situation remains the same according to the Office. In a meeting held in March 2019 the former Police Ombudsman Dr. Michael Maguire informed RFJ that the OPONI has 430 historical complaints to be investigated, but less than 30 members of staff to carry out that job. The Office has continuously requested appropriate funding and resources to effectively accomplish its mandate to investigate legacy issues, but those petitions have been ignored by civil servants and politicians.

***The Committee may wish to seek an update from the State Party on measures it has taken to ensure the OPONI has all the necessary funding and resources to accomplish its mandate to investigate legacy issues.***

**2.4.A.** The matter of funding for legacy inquests has been subject to political interference rather than the upholding of citizens’ rights in accordance with the state’s legal obligations, this constituting statutory prevarication and a violation of ECHR Article 2. RFJ welcomed the decision of the government on February 2019 to finally release funding for historical inquests, almost a year after the Hughes judgement[[7]](#footnote-7). However, that decision came after years of illegal delay and a series of court decisions finding the UK Government in default of its legal obligations.

RFJ also welcomed the Presiding Coroner’s initiative to review the caseload of conflict-related inquests in September 2019 to establish a calendar for the next five years. Victims and relatives, however, are still waiting, and it seems that more delays will follow; the (so far) deliberate failures to implement and fund the Lord Chief Justice’s (LCJ) corporate plan for inquests make us fear more unreasonable delay. Given this experience, there is also concern that even if the funding is released in the future, it may only be on a drip-feed basis with the decision having to be renewed every year.

***The Committee may wish to seek an update from the State Party on the plans to release the funding immediately for the full and effective implementation of the LCJ plan on legacy inquests as a matter of particular urgency.***

**2.5.A.** In addition, experience has shown that there are elements within the police force who will fight tooth and nail to prevent the exposure of State activity during the conflict. During attendances at court cases, RFJ has observed how the PSNI has gradually established a system which effectively undermines discovery of documentation. Significant delays have characterised these inquests, mostly arising from the lethargy with which the State deal with requests for information from police-controlled conflict-related documentation and intelligence archives. These delays have taxed the patience of presiding coroners. Again and again, coroners and barristers have expressed frustration and annoyance at lapsed deadlines. The PSNI has been incapable to speeding up discovery.

RFJ is concerned about the same hesitant attitude of the police and the State in the latest inquest review process of September 2019. The UK Government is particularly reticent to disclose documentation in controversial cases in which State agents were involved 40 years ago, such as the ‘shoot to kill’ incidents of 1981 or the ambush of Loughgall in 1987, as well as other cases of collusion. It seems the State Party is using disclosure in inquests as another mechanism to delay those processes, and therefore to avoid accountability of the State and the perpetrators of human rights violations such as the right to life (Article 6 ICCPR).

***The Committee may wish to urge the State Party to enable and ensure that all relevant material and documentation regarding inquest cases are disclosed with no delay.***

**2.5.B.** The more general State approach and increasing resistance to disclosure is also deeply problematic and it denies victims and their relatives their right to seek and receive information. The latest decision to suspend the release of certain files has been taken by the Public Records Office of Northern Ireland (PRONI) after the UK government stated the PRONI has no authority to release closed files due to Stormont’s power-sharing crisis, but that is not the only issue. There are currently three judicial review cases against the PRONI and their unwillingness to release court and inquest papers relating to legacy cases. One of them challenges the difficulties and obstacles in the process prior to the release of records, which the Information Commissioner’s Office (ICO) has agreed with RFJ about. According to the ICO, this was inappropriate, and it did not meet the requirements under the Freedom of Information legislation, as PRONI were usurping the powers of the Minister by obstructing access to public documents. However, there is no Minister at present, and the North of Ireland is stuck at a political impasse. This is causing severe delays in victims’ and relatives’ legitimate search for truth and justice and hence exacerbates their pain.

***The Committee may wish to seek an update from the State Party on the reasons why it has impeded the disclosure of public records related to legacy issues, and on its plans to enable their effective release in order to respect and guarantee victims’ and survivors’ rights.***

**2.6.A.** ‘National security’ is being used to close off investigations into criminal acts of State agents. However, there is no statutory definition of ‘national security’, and there has been a dramatic extension of ‘national security’ exemptions made to investigatory powers. The term is deliberately kept flexible. Indeed, the government uses it as a veto, trumping victims’ rights to know the truth concerning the killing of their loved ones and allowing a de-facto form of state impunity.

**2.6.B.** Secret courts provide another mechanism to conceal human rights violations. The world of ‘Closed Material Procedures’ (CMPs) excludes civilian parties and their legal representatives from hearing any evidence designated as national security related. The Justice and Security Act 2013 extended this system to civil proceedings and there has been an increasing reliance on them to prevent transparent scrutiny of conflict-related actions. 36% of the total number of CMPs have taken place in relation to the British Government’s intelligence interests regarding their role in the conflict in Ireland, a disproportionately high figure. Many civil society actors have denounced the CMP as a ‘carve out from basic principles of equality of arms and open justice’[[8]](#footnote-8) by allowing secret courts only to consider any material, the disclosure of which would be “damaging to the interests of national security”. The reality is that these repressive measures are invoked immediately in this jurisdiction to preserve the interests of the State in concealing their involvement in murder and other crimes.

***The Committee may wish to seek an update from the State Party on its plans to fight impunity by applying ‘national security grounds’ when an agent or employee of the State has been involved in a criminal act, and to finally comply with its international legal obligations in good faith.***

**2.8.** In 2001 the British and Irish Governments agreed to the establishment of inquiries concerning collusion. Only one of these, the public inquiry into the killing of human rights solicitor Patrick Finucane in 1989 has not been held. In February 2019 the Supreme Court ruled that investigations into his murder have not been effective and therefore that there has not been an ECHR Article 2 compliant inquiry into the case. Indeed, this matter is one repeatedly commented on as a most grave matter that remains outstanding by all of those concerned with implementation of previous peace agreements and the application of human rights standards. It was also included in the last observations published by the Committee in 2015. RFJ demands a full independent international public inquiry into the case.

***The Committee may wish to seek an update from the State Party on the failure to launch an official inquiry into the murder of Patrick Finucane, as well as on its plans to conduct an effective public inquiry as a matter of urgency, to adhere to finally adhere to its international legal obligations.***

***3. 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 IN ACCORDANCE WITH UN SECURITY COUNCIL RESOLUTION 1325 ON WOMEN, PEACE AND SECURITY***

The international debate on transitional justice has recognised that women experience conflict differently, and this has been reflected on international law in recent years. However, these international developments on recognition of gender harms or securing equal participation have yet not impacted on any process to deal with the past in the North of Ireland. It has not managed to make its way into our debate on dealing with the past, despite the basis of the 1998 peace agreement being human rights[[9]](#footnote-9) and the recognition at the time of the importance of gender participation and equality.[[10]](#footnote-10)

The path of finding comprehensive mechanisms to deal with our past has been long and it still presents complex obstacles; we are still working to address the needs of victims and survivors, as well as those of the wider society. Neither of the attempted processes to devise official transitional justice mechanisms – the Consultative Group on the Past proposals, the proposals from the Haas O’Sullivan Panel of Parties’ talks and the SHA – mentioned gender. However, this gender blindside has been highlighted and significant voices, including RFJ,[[11]](#footnote-11) have been long calling attention to the gender gaps.

In addition, 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, of opposition with the essence of Article 3 ICCPR.

***The Committee may wish to urge the State Party to reconsider its initial position regarding the participation of women in addressing the legacy of the conflict. Also, the Committee may wish to request that the UK Government implements UNSCR 1325 as a matter of urgency in the North of Ireland.***

**4. FINAL OBSERVATIONS**

**4.1.** This report brings together relevant concerns about deficiencies in the current mechanisms tasked with uncovering the truth about and ensuring accountability for conflict-related human rights violations in the North of Ireland. The evidence does not support a conclusion that a ‘package of measures’ is being deployed in good faith by the UK Government, only held back by the complexity of the issues, cost and lack of consensus among politicians. Rather, it points to a common purpose between the UK Government and elements within the security establishment to prevent access to the truth and maintain a cover of impunity for State agents. Examining each mechanism or phenomenon on its own may create an impression that obstructionist activities are institution specific or aberrational. Yet the emergence of patterns across a number of mechanisms suggests a concerted effort by some to prevent damaging facts about State involvement in human rights abuses coming to light and those who were responsible for such abuses (or for covering them up) being held accountable.

**4.2.** In addition to all that, families seeking accountability for the killings of their loved ones are being regularly vilified by sections of the press and former State combatants, with the governmental cover for it. So too are the lawyers and NGOs supporting them. For families this appears to be a combined and convenient strategy to undermine their legitimate attempt to seek accountability by the very people responsible for the taking of lives.

These attacks have also been directed to journalists investigating past events and police collusion, posing a direct threat to the right of freedom of expression and the right of the public to be informed (ICCPR Article 19). Two journalists were arrested on the 31st of August 2018 -and their documents and computer equipment seized- over the alleged theft of documents that were used in the documentary ‘No Stone Unturned’, an investigative work about the Loughinisland Massacre and police collusion.[[12]](#footnote-12) The film exposed the failure of police to properly investigate the killings of six people in 1994 and bring suspected killers to account, but the only police response was the arrest of the journalists.[[13]](#footnote-13)

**4.3.** The draft document of the SHA possessed potential for investigating serious injuries, but this did not make its way into the final Agreement. The content of the SHA is restricted to investigations of deaths, and only Article 2 ECHR is mentioned to this end. However, if the mechanisms are to be human rights compliant, there are multiple obligations to investigate the most serious of conflict violations such as those contained in Articles 6 and 7 ICCPR; that is, other violations regarding physical integrity, and torture or other cruel, inhuman or degrading treatment.

In addition, victims of torture and other cruel, inhuman or degrading treatment are not officially acknowledged in any transitional justice mechanism. Article 7 ICCPR and the rights codified under the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment have not been addressed and require remedy. Ignoring the rights of the most seriously injured – physically or/and psychologically – has obscured their right to fair and impartial investigation for the violations which caused their injury or trauma.[[14]](#footnote-14)

**4.4.** All in all, presenting killings or other human rights violations perpetrated by British soldiers or former RUC officers – the vast majority of the victims being unarmed civilians – as ‘not crimes’ but as ‘people acting under orders and under instruction and fulfilling their duty in a dignified and appropriate way’, as the former SoS Karen Bradley said in March 2019,[[15]](#footnote-15) for instance, is unacceptable and devastating for victims and survivors. Notwithstanding her attempts to draw back these remarks –even her apologies for them,[[16]](#footnote-16) the suspicion is that the initial words represent the real views of the British establishment, and that they represent a consistent mindset within the British cabinet that is all pervasive and accepted when it comes to protect ‘their own’. The latest words coming out of Westminster during the Queen’s Speech have pointed at the same mentality. She said her ‘Ministers will continue to invest in our gallant Armed Forces. My Government will honour the Armed Forces Covenant (…) It will bring forward proposals to tackle vexatious claims that undermine our Armed Forces and will continue to seek better ways of dealing with legacy issues that provide better outcomes for victims and survivors’[[17]](#footnote-17) These declarations are a political attempt at direct interference in due process and the rule of law concerning any future prosecutions in cases of State killings, it opens the path to an amnesty or statute of limitation, and it should not be accepted under any circumstances. The primacy of the rule of law must be applied concerning every aspect of the legacy of the past, particularly when the State is the perpetrator.

The commitment to prevention or ending of impunity is the single greatest signal to victims and survivors that society and the state are committed to upholding their rights and willing to address their suffering. For decades family members of people killed and those who have suffered gross violations have lived with the impunity of the actors who caused them harm and systemic cover-up of those crimes. The UK Government has signed and ratified human rights conventions and treaties and it has legal obligations.

Relatives of those killed during the conflict will not be deterred by threats of amnesties or statutes of limitations. The issues of truth, justice and upholding the rule of international law will not go away. All families, affected by all actors, have inalienable rights – no matter who finds it inconvenient. It is therefore incumbent that the UK Government adheres to the rule of law, and it gets openly and honestly involved in the development and implementation of comprehensive transitional justice mechanisms in the North of Ireland.

**4.5.** All the above mentioned has a huge impact on victims and survivors, not only regarding their rights for truth and justice, but also on their suffering and health. It is said that ‘justice delayed is justice denied’, but also, the legacy of the interminable failure to deliver rights to those who suffered harm serves only to compound and exacerbate their trauma. 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.

The Human Rights Committee, the European Court of Human Rights (ECtHR) and the Inter-American system have all recognised that mental anguish can be as distressing as physical pain, and they have considered mental anguish suffered by relatives of victims of human rights abuses can result in the relatives themselves suffering ill-treatment at the hands of the state, in violation of human rights provisions prohibiting torture and cruel, inhuman or degrading treatment.[[18]](#footnote-18) According to the ECtHR,

*‘whether a family member is such a victim will depend on the existence of special factors which gives the suffering of the applicant a dimension and character distinct from the emotional distress which may be regarded as inevitably caused to relatives of a victim of a serious human rights violation. Relevant elements will include (...) the involvement of the family member in the attempts to obtain information (...) and the way in which the authorities responded to those enquiries. The Court would further emphasise that the essence of such a violation does not so much lie in the fact of the “disappearance” of the family member but rather concerns the authorities’ reactions and attitudes to the situation when it is brought to their attention. It is especially in respect of the latter that a relative may claim directly to be a victim of the authorities’ conduct.’[[19]](#footnote-19)*

This report cannot offer an elaborate and detailed analysis on this subject, but in light of all of the above mentioned, there is sufficient and solid ground to state the UK Government is in breach of both Articles 2 and 3 of the ECHR, and therefore ICCPR Article 7 and the Convention against Torture. This is a matter of absolute human rights, and its relevance and the gravity of the situation require a shift on 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.

1. https://www.bbc.co.uk/news/uk-northern-ireland-51071827 [↑](#footnote-ref-1)
2. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/856998/2020-01-08\_a\_new\_decade\_\_a\_new\_approach.pdf

https://www.bbc.co.uk/news/uk-northern-ireland-51059789 [↑](#footnote-ref-2)
3. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/390672/Stormont\_House\_Agreement.pdf [↑](#footnote-ref-3)
4. NI High Court on the cases McQuillan’s (Margaret) Application [2017] NIQB 28; Barnard’s (Edward) Application [2017] NIQB 82; and McKenna’s (Mary) application [2017] NIQB 96. [↑](#footnote-ref-4)
5. See, for instance, paragraph 191 from Barnard’s (Edward) Application [2017] NIQB 82: “The ability of the LIB to continue the work of the HET is undermined by the fact that it has (i) less resources, (ii) significantly reduced scope and (iii) is not independent in the manner required by Article 2 and the package of measures.” [↑](#footnote-ref-5)
6. Bell's (Patricia) Application [2017] NIQB 38. [↑](#footnote-ref-6)
7. Hughes (Brigid) Application [2018] NIQB 30. [↑](#footnote-ref-7)
8. Hickman, Tom; ‘Turning out the lights? The Justice and Security Act 2013’ [http://ukconstitutionallaw.org/2013/06/11/ tom-hickman-turning-out-the-lights-the-justice-and-securityact-2013/](http://ukconstitutionallaw.org/2013/06/11/%20tom-hickman-turning-out-the-lights-the-justice-and-securityact-2013/) [↑](#footnote-ref-8)
9. Colm Campbell, Fionnuala Ní Aoláin and Colin Harvey. ‘The Frontiers of Legal Analysis. Reframing the Transition in Northern Ireland’ (2003) *Modern Law Review*. Vol 66 (3) 317-345. [↑](#footnote-ref-9)
10. Paul Magee and Martin O’Brien. ‘From the Margins to the Mainstream: Human Rights and the Good Friday Agreement’ (1998) *Fordham International Law Journal.* Vol 22, Issue 4. 1449. [↑](#footnote-ref-10)
11. See, for instance, Relatives For Justice, *Submission to the Panel of Parties, Dr Haas and Professor O’Sullivan Talks* (November 2013) [<https://www.relativesforjustice.com/rfj-submission-to-the-haas-and-osullivan-talks/> accessed in December 2019]. Also, Relatives For Justice, *Gender Principles for Dealing with the Legacy of the Past* (September 2015) [<https://www.relativesforjustice.com/gender-principles-for-dealing-with-the-past/> accessed in December 2019]. [↑](#footnote-ref-11)
12. The OPONI admitted there was ‘evidence of collusion’ in this case. See <https://www.bbc.co.uk/news/uk-northern-ireland-36486779> [↑](#footnote-ref-12)
13. This investigation was finally dropped by the PSNI almost a year after the case started, in June 2019, after a judge vindicated the journalists and said that that the police had obtained “inappropriate” search warrants. (See <https://www.amnesty.org.uk/trevor-barry>). [↑](#footnote-ref-13)
14. In particular, it obscures the experience and rights of civilians, political prisoners, victims of torture in state institutions, and those shot by non-state actors for “anti-social behaviours”. [↑](#footnote-ref-14)
15. See, for instance, BBC News 06/03/2019: <https://www.bbc.co.uk/news/av/uk-northern-ireland-47473732/security-force-killings-were-not-crimes-bradley> [↑](#footnote-ref-15)
16. BBC News 07/03/2019: <https://www.bbc.co.uk/news/uk-northern-ireland-47481477> [↑](#footnote-ref-16)
17. Queen’s Speech, 19/12/2019. [↑](#footnote-ref-17)
18. See Human Rights Committee, Communication No. 107/1981, Views of 21 July 1983; *Kurt v. Turkey,* European Court of Human Rights, Application No. 24276/94, Judgement of 25 May 1998; *Urrutia v. Guatemala*, Inter-American Court of Human Rights, Judgment of November 27, 2003; *Laureano v. Peru*, Inter-American Court of Human Rights, Communication No. 540/1993, Views of 25 March 1996; *Villagrán Morales et al. v. Guatemala* (the ‘Street Children’ Case), Inter-American Court of Human Rights, Series C No. 77, Judgement of 19 November 1999; *Bámaca Velásquez v. Guatemala*, Series C No. 70, Judgement of 25 November 2000; *Humberto Sánchez v. Honduras*, Series C No. 99, Judgement of 7 June 2003. [↑](#footnote-ref-18)
19. *Çakici v. Turkey*, Application No. 23657/94, Judgement of 8 July 1999, paragraph 98. [↑](#footnote-ref-19)