

'Model Bill Team' Questionnaire Response to Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence, follow up report on UK country visit re NI conflict, (A/HRC/34/62/Add.1)

Introduction

This response is on behalf of the 'Model Bill Team', which comprises of the Committee on the Administration of Justice (CAJ) and academics from the School of Law, Queen's University Belfast. CAJ was established in 1981 and is an independent non-governmental organisation affiliated to the International Federation of Human Rights (FIDH). Its membership is drawn from across the community.

Since 2014, CAJ has operated as the NGO partner in the 'Model Bill Team'. The Model Bill team is led by Professor Kieran McEvoy, along with Professor Louise Mallinder, Dr Anna Bryson, and key CAJ staff. The group is referred to as the 'Model Bill Team' because we drafted a model bill in 2015 detailing what the commitments made in the Stormont House Agreement would look like in legislative form. This work has a dedicated website:

<https://www.dealingwiththepastni.com/>

The purpose of the work is to inform key debates on dealing with the past in Northern Ireland and in particular to provide accessible legal and policy commentary to a wide range of stakeholders including: victims and survivors, civil society organisations, the British and Irish governments, political parties, veterans, former combatants, the British Army, the PSNI, religious leaders and other stakeholders.

Among the products of this team are the following reports that are available at:

<https://www.dealingwiththepastni.com/project-outputs/project-reports>

- K. McEvoy, D. Holder, L. Mallinder, A. Bryson, B. Gormally & G. McKeown *"Prosecutions, Imprisonment and the Stormont House Agreement: A Critical Analysis of Proposals on Dealing with the Past in Northern Ireland"* April 2020.¹
- K. McEvoy, A. Bryson, L. Mallinder, D. Holder *"Addressing the Legacy of Northern Ireland's Past: Response to the NIO Public Consultation"* September 2018.²
- K. McEvoy *'Dealing with the Past in Northern Ireland: A Proposed Model for Information Redaction under the Stormont House Agreement'* ³ March 2017.
- K. McEvoy, A. Bryson, B. Gormally, D. Greenberg, J. Hill, D. Holder, L. Mallinder & G. McKeown *'Stormont House Agreement: Model Implementation Bill'*⁴ 2016.

¹ This report covers the eleven distinct proposals on dealing with the legacy of the NI conflict that have been put forward since the Stormont House Agreement. Including the 'new approach to legacy' put forward by the UK government in a statement delivered by the Northern Ireland Office (NIO) in March 2020. The report reviews all of these proposals, benchmarking each against binding human rights obligations, the Good Friday Agreement (GFA), and the Stormont House Agreement (SHA).

² This report constitutes the response of the QUB/UU/CAJ Model Bill team to the Northern Ireland Office's consultation on 'Dealing with the Legacy of the Past' that opened on 11 May 2018. The consultation response builds on more than a decade of work on legacy issues by some team members but we take as our starting point the 2014 Stormont House Agreement (SHA).

³ This paper is designed to assist efforts to narrow the gap between the different actors on the outstanding issues preventing the establishment of the various past-focused institutions contained in the Stormont House Agreement (2014). This relates to the proposed 'national security veto' over onward disclosure by SHA institutions. In particular, it suggests an independent judicial mechanism that could make determinations on balancing the state's responsibilities to protect people, with the truth-recovery related rights of families affected by the conflict.

⁴ The purpose of drafting a Model Bill was to explore in the necessary level of detail how the past-related elements of the Stormont House Agreement could be implemented in practice, in a way that would be human

The Model Bill Team was pleased to engage extensively with the former Special Rapporteur Pablo De Greiff on the occasion of his country visit in 2016. CAJ has since continued to engage with the human rights machinery of the UN and Council of Europe providing regular updates on the NI situation as regards measures to deal with the legacy of the Northern Ireland conflict.

This included the following submissions to UN treaty bodies since 2016:

- CAJ [Submission to the UN Committee Against Torture on the UK's Sixth Periodic Report](#), March 2019 (regarding fate of Human Rights Act/NI Bill of Rights; high use of Closed Material Procedures in NI legacy cases & investigations into conflict related deaths, torture and ill treatment).
- CAJ [Submission to the UN Committee on the Elimination of all forms of Discrimination against Women \(CEDAW\) on the UK's 8th Periodic Report](#) January 2019, (regarding Women's full and equal participation in public and political life - the gender related impact of the Northern Ireland conflict.)
- CAJ [Submission to the UN Human Rights Committee ICCPR Follow-up Procedure: "accountability for conflict-related violations in Northern Ireland"](#) (CCPR/C/GBR/CO/7)

CAJ has also continued to provide regular 'rule 9' submissions to the Council of Europe Committee of Ministers regarding the implementation of judgments in the Article 2 ECHR right to life cases concerning the actions of the security forces in NI (also known as the 'McKerr group of cases'). These submissions chart in detail UK legacy actions since the SR report, with CAJ communications sent in: [October 2016](#), [February 2017](#), [August 2017](#), [February 2019](#), [July 2019](#), [January 2020](#), [April 2020](#), [October 2020](#).

This response will now deal with the follow up questions in turn.

rights compliant and answer the needs of victims and broader society. It was decided to take on the responsibility of putting forward practical proposals, within the parameters of the Agreement, rather than producing what the drafters would think of as a perfect model.

Question 1: At the time of the final report, the new institutional set-up to address the legacy of the Troubles had been outlined in the Stormont House Agreement. It comprised an independent Historical Investigations Unit; an Independent Commission on Information Retrieval; an Oral History Archive; and an Implementation and Reconciliation Group. With regards to these institutions,

- Has the Historical Investigations Unit been granted independence, access to information and adequate funding to avoid problems of earlier mechanisms?**
- Has the Implementation and Reconciliation Group been designed, staffed, funded and authorized to address the patterns, themes and structural dimensions of a conflict that cannot be properly understood or addressed as the sum of isolated cases?**
- Regarding the Oral History Archive, have issues of its independence and modalities of support to guarantee access and preservation of people’s testimony been resolved?**
- Have links been established between the different elements of these institutions, such as their timeline, so that they can work as a coordinated whole?**
- Have measures been put in place to ensure that these institutions deliver results necessary for accounting for and redressing the past?**

(See: A/HRC/34/62/Add.1 para 115-121)

1. From the UNSR report until March 2020, the UK made repeated commitments both domestically and to the international community to legislate to implement the Stormont House Agreement (SHA). However, throughout this time the UK has delayed and prevaricated taking forward the SHA and sought to introduce significant and non-human rights compliant limitations over its provisions.
2. At the time of the UNSR report implementation had already been delayed due to the UK insertion of a ‘national security veto’ in draft legislation. The ‘national security veto’ generally refers to powers vested in British Government Ministers to redact information out of independent HIU legacy investigation reports for victims’ families for the explicit purpose of concealing the role of agents of the state (informants & undercover units) in the killing of their relative. (This issue is further explored below in response to your question on same).⁵
3. After several years delay and pressure from the international community (in the form of the UN institutions and CoE Committee of Ministers), the UK in 2018 ultimately took forward a public consultation into draft SHA legislation (including the ‘national security veto’). Whilst Ministers confirmed in April 2017 to the UK Parliament that the SHA proposals were sufficiently developed for consultation, the consultation did not open until May 2018, and closed in October 2018. 17,000 responses were received. In July 2019 the UK published its response to the SHA consultation document, but this is limited to generally summarising the views of

⁵ A ‘national security’ redaction power was also vested in both the British and Irish governments in the context of the Independent Commission for Information Retrieval (ICIR).

consultees (including demonstrating majority support for the SHA), but did not set out a UK policy response to the consultation.

4. Whilst the SHA requires legislation in the UK Parliament (and not regional NI Assembly, which has limited competence for justice powers) it should be noted the NI Executive collapsed from early 2017 until its restoration, further to the January 2020 (UK-Ireland) '*New Decade New Approach*' deal. Whilst the initial trigger for the collapse was a scandal over public resources and a renewable energy scheme, the failure to implement commitments in previous agreements, including the SHA legislation, also contributed to the sustainability of the NI institutions becoming untenable.
5. During the period of delay in the establishment of the SHA institutions, in the context of ECHR Article 2 duties, a range of strategic litigation on behalf of victims and the residual role of criminal justice institutions, the first decisions since the Good Friday Agreement to prosecute members of the British Army for conflict related killings were taken. There have been a handful of decisions to prosecute, including first in 2015 a soldier in relation to the shooting of a civilian with learning disabilities in 1974, and subsequently one soldier in relation to the 1972 Bloody Sunday massacre of civil rights demonstrators. There was a fierce backlash from elements of the British political, military and media establishment in relation to these two prosecutorial decisions in particular. Significant disinformation informed what became a narrative that members of the security forces were being subject to a 'witch hunt'. This included erroneous assertions by the UK Prime Minister in the UK Parliament that current legacy investigations only focused on the security forces. There were also unconstitutional assertions from the UK's chief military officer that he would 'stamp out' NI legacy investigations, and repeated Parliamentary interventions from MPs from the ruling Conservative party. This included attacks on law officers and regular unsubstantiated claims of bias in the NI criminal justice system. A detailed analysis by the Model Bill team found that such claims were "neither factually nor legally accurate and lack intellectual credibility."⁶
6. In this context a series of alternative proposals to the SHA were put forward by military veterans, Conservative MPs, 'innocent victims' groups, the Parliamentary defence committee and others. These largely proposed various forms of *de facto* amnesty in the form of statutes of limitations, vetoes or other restrictions that would limit or prevent investigations or prosecutions into members of the security forces. In a report published in April 2020, the Model Bill team critiqued these various proposals, many of which would involve a reversal of justice reforms of the peace process. This report tested each proposal for compliance with the ECHR,

⁶ See April 2020 report: <https://www.dealingwiththepastni.com/project-outputs/project-reports/prosecutions-imprisonment-and-the-stormont-house-agreement-a-critical-analysis-of-proposals-on-dealing-with-the-past-in-northern-ireland> Also for a detailed narrative on this issue until June 2017 see: [Submission to the UN Human Rights Committee ICCPR Follow-up Procedure: "accountability for conflict-related violations in Northern Ireland"](#)

Good Friday Agreement (GFA) and SHA.⁷ Under current GFA provisions persons convicted of conflict related offences will serve a maximum of two years in prison. One alternative assessed by the Model Bill Team in the April 2020 report is a further reduction of this to zero, with a potential link to cooperation with truth recovery through the ICIR. In our view, in a context of the implementation of the SHA, such a move which guaranteed Article 2 compliant investigations, independent prosecutorial decision-making on whether or not to prosecute, a fair trial and only if a person is then found guilty, an administrative decision to reduce jail time from its current two year maximum to zero would be compliant with the rule of law in general and the procedural requirements of Article 2 of the ECHR in particular.

7. Into 2019, the Council of Europe Committee of Ministers continued to express its 'serious concerns' about the lack of establishment of the HIU and other SHA institutions urging a timetable for their implementation in an ECHR compliant manner. Following the December 2019 UK General Election the incoming UK Government legislative programme ("Queen's Speech") committed to the "prompt implementation of the Stormont House Agreement". On 9 January 2020, the British and Irish Governments published their New Decade, New Approach (NDNA) agreement to restore the Northern Ireland government. The NDNA committed to the introduction of the SHA legislation into the UK Parliament 'within 100 days' (i.e. by April 2020).
8. Following the successful conclusion of the NDNA agreement, the UK Prime Minister sacked the NI Secretary of State Julian Smith MP who had negotiated the restoration of devolved government including the renewed commitment to implement the SHA within 100 days. Mr Smith was replaced by Brandon Lewis MP who subsequently came to international attention having told the UK Parliament that the UK Government would proceed to legislate to break international law in a "specific and limited way" in relation to Brexit withdrawal treaty obligations.⁸ The new UK Government also led to the elevation of advocates of a military amnesty who had previously been on the fringes of the Conservative party. One such MP was appointed to the ministerial position of (military) Veterans' Minister.
9. On 18 March 2020 (just ahead of the April 2020 NDNA deadline to implement the SHA) the UK Government through a Written Ministerial Statement (WMS) to the UK Parliament by the Secretary of State for NI signalled the unilateral abandonment of the commitment to implement the SHA. The WMS signalled the UK would instead adopt an unclear alternative 'fast track' information recovery approach that would not involve discharge of the UK's duties to independently investigate conflict related deaths under the ECHR. The WMS was intentionally made on the same day as the UK government introduced the *Overseas Operations (Service Personnel and Veterans) Bill* into the UK Parliament. That Bill introduces a qualified presumption against prosecution (after a five year period) against members of the British armed forces who have served overseas (but not in

⁷ See April 2020 report: <https://www.dealingwiththepastni.com/project-outputs/project-reports/prosecutions-imprisonment-and-the-stormont-house-agreement-a-critical-analysis-of-proposals-on-dealing-with-the-past-in-northern-ireland>

⁸ <https://www.bbc.co.uk/news/uk-politics-54073836>

Northern Ireland), including for war crimes including torture and extrajudicial killings. The Bill would also qualify the incorporation of the ECHR in UK law. The WMS set out that the change as regards the UK position on the SHA was to “ensure equal treatment of Northern Ireland veterans and those who served overseas.”⁹ This was subsequently echoed by the Veterans’ Minister, who stated in the debate on the Overseas Bill: “The commitment of equal treatment in any Northern Ireland Bill that comes forward will be absolutely adhered to.”¹⁰ At the time of writing, the Overseas Bill is presently before the upper chamber (House of Lords) of the UK Parliament. The Joint Committee on Human Rights of the UK Parliament has found that the Overseas Bill “breaches the UK’s international legal obligations under international humanitarian law, human rights law and international criminal law.”¹¹

10. The Irish government, the other State Party to the SHA, strenuously objected to the announcement that the UK government was unilaterally abandoning the SHA, on which it had not been consulted. In addition to human rights NGOs’ concerns that WMS proposals would be unlawful, the NHRI – the NI Human Rights Commission also expressed its ‘deep initial concerns’ the proposals would not be ECHR compliant.¹² The NI Secretary of State however subsequently had to appoint all six human rights Commissioners (that form the Commission along with a Chief Commissioner). The six appointments, in conflict with the pluralist composition provisions of the UN Paris Principles, were highly state-centric with half the new Commissioners from an NI policing background, despite a broader pool of approved candidates having been presented to the Secretary of State for selection.¹³ This may have jeopardised the ‘A status’ of the NIHRC which is due for re-accreditation by the UN GANHRI Sub-Committee on Accreditation in October 2021.¹⁴

11. Under the GFA, the NI Executive involves mandatory power sharing between (British) unionist and (Irish) nationalist parties. The SHA had also been negotiated by the five parties in the NI Executive. Four of the five parties to the Executive have continued that support. One party the Ulster Unionist Party, (which at the time of the SHA was led by a former Victims’ Commissioner, but is now led by a former military commander, and whose legacy spokesperson is also a former military officer) has shifted its position to one of active opposition to the SHA. The SHA was a significant NI electoral issue in the December 2019 election. In particular, there was focus from the UUP on removing proposed powers in the HIU

⁹ <https://www.gov.uk/government/news/addressing-northern-ireland-legacy-issues>

¹⁰ Hansard Vol 680 Overseas Operations Bill Second Reading House of Commons 23 September 2020. (Column 1022, Minister Johnny Mercer MP) [https://hansard.parliament.uk/commons/2020-09-23/debates/BE01763F-2480-4C4B-9FAA-E36AC7158566/OverseasOperations\(ServicePersonnelAndVeterans\)Bill](https://hansard.parliament.uk/commons/2020-09-23/debates/BE01763F-2480-4C4B-9FAA-E36AC7158566/OverseasOperations(ServicePersonnelAndVeterans)Bill)

¹¹ <https://committees.parliament.uk/committee/93/human-rights-joint-committee/news/120321/operations-service-personnel-and-veterans-bill-is-unjustifiable-ineffective-and-will-prevent-justice-from-being-done-say-joint-committee-on-human-rights/>

¹² <https://www.belfasttelegraph.co.uk/news/northern-ireland/nis-human-rights-chief-says-legacy-plans-might-not-be-legal-39207801.html>

¹³ For details see: <https://www.theguardian.com/uk-news/2021/jan/11/high-status-of-northern-ireland-human-rights-body-being-put-at-risk> and <https://caj.org.uk/2020/11/04/just-news-november-2020/>

¹⁴ <https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Pages/2020-Sessions.aspx>

to investigate grave or exceptional past misconduct by the Royal Ulster Constabulary (the NI police force during the conflict) that related to a conflict related death. Whilst such proposed HIU powers were misrepresented as ‘new powers’ they reflect the present legacy powers of the Police Ombudsman.¹⁵

12. To date the UK has yet to set out any further policy detail whatsoever or engage on the new legacy proposals in its WMS. On the 20 July 2020 in an incidental Ministerial response to a question in a debate on civil claims against the UK military for actions abroad a Minister of State for Defence stated that the UK was actively preparing new NI legacy legislation.¹⁶ A cross-party UK Parliamentary inquiry reported in October 2020 finding that “The two-page WMS remains the only source of information on the new policy” and stated that “We are dismayed by the lack of consultation and engagement with representative groups by the NIO on its new proposals both before and after the publication of the WMS in March 2020. The WMS was a unilateral and emphatic announcement of intent rather than part of a meaningful consultation process.” Noting seven months had passed since the WMS the Inquiry also stated it was ‘deeply worrying’ that the UK Government had not provided any further policy detail since. For its part, the Inquiry branded the proposals in the WMS as “unilateral and unhelpful.”¹⁷
13. The WMS was silent on the proposals for the Oral History Archive and has thus done nothing to allay ongoing concerns regarding its independence and the need to develop a governance model and modalities of outreach and engagement that will build cross-community trust.
14. In October 2020, the victims’ group WAVE Trauma Centre– ‘the largest cross community victims and survivors support group in Northern Ireland’ wrote an open multi-signature letter to UK Parliamentarians. This noted that the WMS had “unilaterally and without reference to any victims and survivors stakeholder groups” set aside the SHA to instead focus on protecting military veterans through a process of closing the vast majority of unresolved cases through a process of ‘speedy desktop review’ that would constitute a de facto amnesty across the full spectrum of cases, including those involving paramilitaries. WAVE recalled they had last spoken to the Secretary of State for Northern Ireland in the immediate aftermath of the WMS where he had committed to ‘intensive engagement’ on the issues in the WMS. WAVE however noted, “We have heard absolutely nothing from him since then.” The victims’ group has also raised concerns that the

¹⁵ For further information see CAJ submission to Committee of Ministers, [January 2020](#).

¹⁶ <https://hansard.parliament.uk/Lords/2020-07-20/debates/3746196E-EFCF-4639-91BC-2D997F50E14A/BritishOverseasTroopsCivilLiabilityClaims>

“Lord Dannatt (CB) My Lords, when does the Minister believe that Her Majesty’s Government will extend legislation in the overseas operations Bill to cover operations in Northern Ireland? Baroness Goldie [V] Minister of State for Defence ..., I assure him that, yes, a Northern Ireland Bill is coming forth to deal with similar issues; the Northern Ireland Office is currently in the process of preparing it. We expect more information in early course.”

¹⁷ HC 329 Northern Ireland Affairs Committee (“NIAC October 2020 report”) “Addressing the Legacy of Northern Ireland’s Past: the Government’s New Proposals (Interim Report) Published on 26 October 2020. <https://committees.parliament.uk/committee/120/northern-ireland-affairs-committee/news/120267/legacy-proposals-unilateral-and-unhelpful-say-mps/> For further analysis see CAJ submission to Committee of Ministers, [October 2020](#).

Secretary of State is 'dangerously deluded' if he believes the WMS proposals will aid reconciliation.¹⁸

15. The Council of Europe Committee of Ministers having shown remarkable patience in the context of repeated missed deadlines by the UK, and having regularly urged the UK to honour its commitments to implement the SHA, issued an Interim Resolution in the NI cases in December 2020. In this the Committee of Ministers expressed 'profound concern' at a lack of any detailed information on the approach to legacy since the WMS of March, and called upon UK to legislate for the SHA. Detailed information has been sought from the UK by the 25 January 2021.¹⁹

Has the shortfall in data on virtually all aspects relating to truth, justice and reparation been addressed? For example, lack of data informing assessments of costs, distribution of efforts and effectiveness in each area of the mandate.

(See: A/HRC/34/62/Add.1 para 123)

1. There has been no official progress on this issue with the UK having passed over two opportunities to examine and publish relevant information. Under the GFA implementation legislation NI public authorities are under a legal obligation to impact assess new policies for their impacts on equality across protected grounds (ethnicity – including NI community background, gender, age, disability and others). The process for doing this is set out in statutory Equality Schemes that must be adopted by NI public authorities that contain binding commitments to equality impact assess new policies (through an initial stage known as 'equality screening') and to make available the results.²⁰
2. **New legacy policy equality impacts:** Further to the Written Ministerial Statement of March 2020, the UK's Northern Ireland Office (NIO) proceeded to conduct an Equality Screening assessment of the new UK legacy policies. If undertaken correctly this exercise should highlight the differential impact – including discriminatory detriments, of the new policy on different groups of victims in relation to protected characteristics. One key area will be the impact of the new 'approach' to legacy involving severely limiting investigations, which will impact in particular on victims in 'state involvement' cases where there have been no previous effective and independent investigations. Whilst the NIO stated it had undertaken its Equality Screening exercise, it then unusually refused to release the document. CAJ and fellow human rights NGO the Pat Finucane Centre lodged a complaint with the enforcement agency, the Equality Commission for NI, who subsequently confirmed they would use their statutory powers to launch a formal investigation into the matter.²¹

¹⁸ <http://wavetraumacentre.org.uk/news/wave-legacy-letter-to-mps/>
<https://www.belfasttelegraph.co.uk/news/northern-ireland/ni-secretary-lewis-dangerously-deluded-over-plan-to-close-troubles-murder-cases-says-victims-group-39647230.html>

¹⁹ CM/ResDH(2020)367 https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=0900001680a097b6

²⁰ Section 75 and Schedule 9 of the Northern Ireland Act 1998.

²¹ See <https://www.bbc.co.uk/news/uk-northern-ireland-55304934>

3. **Reparations: victims' pension/payments:** the equality impact assessment process for the victims' pension policy provided a further opportunity to set out the differential impacts of different policy options for the scheme including gender gaps. Ultimately (as elaborated on below,) the UK took a policy decision to restrict the definition of victim for the purposes of payments to exclude persons with certain conflict related-convictions. The equality screening assessment should therefore have compared the policy impact of this option with the option of reparations without this qualification. This would have provided an opportunity to assess the extent to which the criminal justice system was not applied equally during the conflict. This is alluded to in the UNSR report in relation to prosecutorial resources, there is also further evidence mostly from official archive documents, of differential application of the rule of law (for example in the maintenance in the early part of the conflict of separate arrest policies for Protestants and Catholics).²² It is also reflected in the low number of convictions of members of the security forces for human rights violations during the conflict. Whilst such an analysis should have further shone a light on such matters and contributed to the production of data sought by the UNSR recommendation, such issues are entirely evaded in the published equality document for the policy.²³

Has the proposal made by the Lord Chief Justice of Northern Ireland to improve the efficacy of coroner inquests been supported?
(See: A/HRC/34/62/Add.1 para 124)

1. Yes, the Legacy Inquest Unit has been set up however its establishment was significantly delayed, with it not due to be operational until April 2020, this was then further delayed in the context of the Covid-19 pandemic. In early 2016 it had been proposed that the legacy inquest caseload could be completed in five years, and hence had it been established on time it would currently be concluding its work.
2. The delay was caused by the UK withholding the resources required to set up the Legacy Inquest Unit, including the unlawful blocking of a NI Department of Justice funding bid for by the DUP First Minister. Funding was eventually announced in February 2019 following successful litigation in March 2018 in the High Court of Northern Ireland against this blockage.
3. The Committee of Ministers at its September 2019 meeting strongly encouraged the authorities to ensure that the funding announced by the NI Department of Justice in February 2019 was rapidly released to ensure the establishment of the Legacy Inquests Unit, to ensure legacy inquests can be concluded without further delay.²⁴

²² <https://www.patfinucanecentre.org/declassified-documents/arrest-policy-protestants>

²³ CAJ Screening Decision Review Request: Northern Ireland Office: The Victims Payments Regulations
8 October 2020

²⁴ CM/Del/Dec(2019)1340/H46-30

https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016809375a1

4. An outstanding issue relates to the extent the NI Police and UK Ministry of Defence will comply with their legal obligations to disclose information to the Coroners Service.

Has the structural and systemic dimensions of violence and rights violations and abuses been examined? Keeping in mind that, a comprehensive understanding of the past requires instruments that do not treat it merely as a series of unconnected events. (See: A/HRC/34/62/Add.1 para 125)

1. There has been no official examination of systemic themes and patterns.
2. The SHA provided for the creation of an Implementation and Reconciliation Group (IRG). The purpose of this mechanism would be to oversee themes, archives, and information retrieval. Paragraph 51 of the SHA provides that, after five years of the operation of the other legacy mechanisms, a report on such themes should be commissioned by the IRG from 'independent academic experts'. It also stipulates that 'any potential evidence base for patterns and themes should be referred to the IRG from any of the legacy mechanisms, who may comment on the level of cooperation received'. Finally, it declares that 'this process should be conducted with sensitivity and rigorous intellectual integrity devoid of any political interference'. Paragraph 54 deals with the make-up of the IRG. It states that the IRG will consist of political appointees (DUP 3, Sinn Féin 2, one each from SDLP, UUP, Alliance, UK, and Irish government).
3. The present apparent abandonment of the SHA means this institution has not been established. Initially the UK did not wish to set the IRG up on a statutory basis and intended to exclude it from the SHA legislation. Following sustained political pressure including from the Irish government, the UK government changed its position and the IRG was included in the draft IRG bill in 2018. There were however significant issues regarding the provisions in the legislation. These included concerns that once appointed IRG members could be dismissed for party political reasons, due to a lack of safeguards in the bill. We also had concerns that the draft legislation introduced a requirement, not in the SHA, of a two-thirds majority for decisions – and that this appeared to have the purpose and/or effect of vesting a *de facto* veto in the unionist parties over IRG decisions. We also noted that the political configuration of the IRG reflected a formulation from the time the SHA was negotiated, and that this configuration had already subsequently changed (there is now more of an equal balance between designated unionist and nationalist party members of the NI Assembly and a growth in 'other' representatives). We argued that whilst this formulation was included in the SHA with a view to it being established in 2015 and that the most recent NI Assembly election to its establishment would be a more appropriate configuration.²⁵ Finally, we also had concerns that there was lack of protection with regard to the independence of the academics who would be appointed to the IRG to write the 'big picture' narrative of the conflict to ensure that they were not pressurised by the political appointees envisaged as over-seeing their work.

²⁵ Model Bill Team response to SHA consultation 2018, pages xxxvi-iii.

Have truth, justice and reparation initiatives expanded their focus beyond cases leading to death to address violations and abuses such as torture, sexual harm, disappearances and illegal detention?

(See: A/HRC/34/62/Add.1 para 126)

1. In relation to extension of the SHA mechanisms, there was no indication from the UK Government prior to the abandonment of the SHA, of a willingness to extend the remit of the HIU and ICIR beyond deaths. There were provisions however for victims who were injured in a conflict related incident where there were also fatalities, to receive investigation reports. The new proposals in the March 2020 WMS were too vague to be conclusive as to their intentions – however, there is no indication within same of any move to focus beyond deaths.²⁶
2. None of the current legacy mechanisms focus on cases beyond deaths. As a result, victims and survivors seeking truth, justice and reparations have no remedy other than to engage in difficult and often protracted litigation. In 2015 judicial review proceedings were issued challenging the failure to investigate, in accordance with Articles 2 & 3 ECHR, the treatment of the ‘Hooded Men’ who were interned in 1971 and subject to the ‘five techniques’.²⁷ The NI Court of Appeal held that the treatment inflicted upon the men would now be characterised as torture; there was a legitimate expectation that there would be a full and effective investigation and the Police Service of NI (PSNI) Legacy Investigation Branch did not have the requisite independence to conduct same.²⁸ This is the subject of an appeal to the UK Supreme Court listed for hearing in June 2021.
3. As part of ‘call in’ mechanisms the PSNI can call in another police force to investigate particular crimes in which the PSNI may have a conflict of interest. The most high profile ongoing investigation relates to ‘Operation Kenova’ led by former Chief Constable of an English police force, Jon Boutcher. Operation Kenova has examined allegations of the role of an agent of the State within the IRA, which has investigated offences including potentially by members of the security forces. These offences relate to matters other than deaths, including kidnap, false imprisonment and torture.²⁹

Are truth seeking and justice arrangements incorporating procedures to guarantee both the reality and appearance of independence and impartiality? Are they being funded in a reliable way that guarantees independence and effectiveness, and allows for long-term planning? (See: A/HRC/34/62/Add.1 para 127)

1. In relation to the current residual mechanisms there continue to be problems with both funding and independence.

²⁶ <https://www.gov.uk/government/news/addressing-northern-ireland-legacy-issues>

²⁷ The subject of Ireland v. the United Kingdom (application no. 5310/71) and a request for a revision of this judgment: https://www.echr.coe.int/Documents/Press_Q_A_Ireland_UK_ENG.pdf

²⁸ <https://www.judiciaryni.uk/judicial-decisions/summary-judgment-court-delivers-hooded-men-judgment-re-mcguigan-and-mckenna> (CAJ represents Mary McKenna)

²⁹ <https://www.opkenova.co.uk/> This team is also looking at other historic investigations relating to deaths.

2. Domestic litigation into deaths and torture has established that the Legacy Investigation Branch of the PSNI lacks requisite independence to carry out investigations into state involvement cases. The PSNI has appealed these NI High Court and Court of Appeal rulings to the UK Supreme Court.³⁰
3. In addition to the aforementioned delays in funding the Legacy Inquest Unit, there has also been a persistent pattern of restricting funding to the Police Ombudsman's office (OPONI) with the impact of causing severe delays in the legacy work of the office. The CoE Committee of Ministers has raised the issues of concerns regarding the OPONI budget, as well as concerns regarding disclosure. In the recent Interim Resolution the Council of Europe reiterated "the vital role played by the OPONI in investigating historical cases and giving answers to families, strongly encouraged the authorities to continue to take all necessary measures to ensure that it has the capacity to conduct its work in an effective and timely manner;"³¹

In his report, the Special Rapporteur stressed that adjudicating issues concerning disclosure is central to the credibility of truth and justice initiatives. To this end,

- **Has the use of "national security" as a blanket term been avoided in order to make transparent past practices that were, retrospectively, illegal under national and international law and of dubious effectiveness in furthering security?**
- **Has the Government worked with academic and non-governmental experts to devise an approach that makes disclosure practices human rights and constitutionally compliant?**

(See: A/HRC/34/62/Add.1 para 128)

1. The draft SHA bill subject to consultation in 2018 retained the National Security Veto.
2. Proposals were prepared by the Model Bill Team that would limit the 'national security veto' to decisions being taken by an independent decision maker (with judicial appeal) on the basis of criteria of only limiting the onward disclosure of information that 1) would reveal lawful, legitimate and current security force methodology and 2) put lives of identifiable individuals at risk. This was engaged on extensively with Government and others.³²
3. In the absence of final SHA legislation, it is not possible to ascertain the extent of any policy movement on the issue; however, by the time of the draft SHA bill the UK had conceded that there should be a limited right to judicial appeal over national security redactions. The problem with this however is that if the 'national security' rationale for excluding information is interpreted very broadly then there is a risk that it will be used to prevent information going to families simply to

³⁰ Rulings in [Barnard](#) and (re torture) McQuillan, McKenna and McGuigan.

³¹ https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=0900001680a097b6

³² <https://www.dealingwiththepastni.com/project-outputs/project-reports/dealing-with-the-past-in-northern-ireland-a-proposed-model-for-information-redaction-under-the-stormont-house-agreement>

prevent information on unlawful or embarrassing activities by state actors coming into the public domain.

4. The National Security Veto in the draft SHA legislation focused around the concept of 'sensitive' information. This included, but was not limited to, any information, which hypothetically could prejudice UK's undefined 'national security' interests. In addition, it also included *any information*, which was supplied by the security and intelligence services, or any intelligence information from the police or military. This intelligence information could then be redacted out of reports to victims' families on vague 'national security grounds.'
5. In essence, this definition would allow the concealment by a UK Government Minister of the involvement of agents of the state (in the usual form of security force informants infiltrated within paramilitary organisations) in a conflict-related killing.
6. The draft Bill would have also placed an overarching duty on the HIU to 'not do anything' that might 'prejudice' the undefined 'national security interests of the United Kingdom'.

When national security has been served within the limits of the law, is it allowing for adequate means of comprehensive redress in cases of breach of obligations?

(See: A/HRC/34/62/Add.1 para 129)

1. A report by the Police Ombudsman in 2016 found that paramilitary collusion had been a significant feature in the sectarian 1994 Loughinisland massacre where Loyalist paramilitaries had opened fire in a pub whilst an Ireland world cup match was taking place. The Ombudsman's report had included 'national security' redactions of material but confirmed that such material had nevertheless informed its conclusions. The report revealed, "police informants at the most senior levels within Loyalist paramilitary organisations were involved in an importation of guns and ammunition into Northern Ireland" from apartheid South Africa in the 1980s and that these weapons had been used in the Loughinisland massacre and at least 70 murders and attempted murders.³³ The report is heavily reliant on intelligence material that would have been classified as 'sensitive' material subject to ministerial veto had the SHA national security veto been in place.
2. The following year an award winning, Emmy nominated, documentary in 2017 'No Stone Unturned' – revealed further evidence of human rights violations through collusion in the Loughinisland massacre. This included identifying an alleged agent of the state within the murder cell and revealing the identity of the chief suspect as well as investigative failures. This information would also largely fall to be redacted 'national security' information.
3. Following the revelations of the film there were no arrests of persons suspected of involvement in the murders, but the PSNI launched an operation involving over

³³ <https://www.policeombudsman.org/Investigation-Reports/Historical-Reports/The-murders-at-the-Heights-Bar-in-Loughinisland-Po>

100 officers which arrested the journalists who made the documentary and raided their homes and offices of four media firms seizing significant amounts of confidential journalistic material, much of which did not relate to Loughinisland but to other cases which may include evidence of human rights violations. The two journalists Trevor Birney and Barry McCaffrey, were arrested in August 2018, and released on conditional police bail. The arrests related to the charge of 'theft' of an official document, as the documentary had relied on a leaked Police Ombudsman internal report. The Police Ombudsman had however not reported any theft.

4. Judicial review proceedings were then taken challenging the legality of the search and seizure of journalistic material. The arrests prompted significant concern from human rights and press freedom and representative bodies as well as international attention including the UN Committee Against Torture.³⁴ Further details are found on a Council of Europe alert and Media Freedom report.³⁵
5. In late May 2019, the High Court in Belfast ruled that the Police searches had been unlawful and ordered the return of all seized journalistic material. The court rebuked the police involved for their actions.³⁶ The police several days later announced they were dropping their investigation against Mr McCaffery and Mr Birney.³⁷ The arrest of the journalists caused a public outcry and, although the court ruling has vindicated their position and that of ECHR Article 10 compliance regarding journalistic material, the police actions still leave a chill factor for journalists in relation to protecting sources and exposing human rights violations in what is considered the 'national security' realm.
6. There are many other examples of misuse by the UK of current national security vetoes. This includes the decision to close the national archive files relating to two children killed by plastic bullets, - Paul Whitters (killed 25 April 1981, aged 15) and Julie Livingstone (killed 13 May 1981, aged 14) for up to 50 years for 'national security' reasons.

On reparations, has the issue concerning pensions for almost 500 seriously injured victims been resolved?

(See: A/HRC/34/62/Add.1 para 130)

1. The pension ("Victims' Payments") has been legislated for but not yet commenced. At the time of writing, the payments are held up, as the budget has not yet been provided.

³⁴ Ibid, CAT/C/GBR/CO/6, Para 40

³⁵ <https://mappingmediafreedom.usahidi.io/posts/22627>

https://www.coe.int/en/web/media-freedom/detail-alert?p_p_id=sojdashboard_WAR_coesojportlet&p_p_lifecycle=0&p_p_col_id=column-1&p_p_col_count=1&sojdashboard_WAR_coesojportlet_alertId=39053000

³⁶ <https://www.theguardian.com/uk-news/2019/may/31/northern-ireland-judge-rebuked-police-for-seizing-papers-from-journalists>

³⁷ <https://www.theguardian.com/uk-news/2019/jun/04/loughinisland-journalists-police-investigation-dropped-redacted-document-no-stone-untuned>

2. The victims' pension had been sought since around 2013, was included in the SHA and referenced in the SR report. The issue became intertwined with attempts by unionist parties and some campaigning groups to change the current universal definition of a victim of the conflict found in NI legislation, to a definition of victim that would largely exclude victims of the State.³⁸
3. Ultimately, the UK Parliament legislated under Section 10 of the Northern Ireland (Executive Formation etc.) Act 2019, to oblige the Secretary of State for NI to, by January 2020, establish by secondary legislation a victims payment schemes for those injured as a result of a conflict related incident. The Secretary of State consequently passed the Victims' Payments Regulations 2020.³⁹ The definition of a victim was ultimately restricted. The regulations and accompanying guidance restricted eligibility to prevent applications from persons injured as a 'at their own hand' but also to limit eligibility for persons that had conflict related convictions (that could be unrelated to the incident in which they were injured.)
4. The Regulations obliged a NI Executive department being designated to take the victims payments scheme forward. However, the Sinn Féin deputy First Minister declined to do this on grounds of the changed definition of victim for the scheme. Both the Sinn Féin and DUP First Ministers also objected to the lack of provision of resources to pay for the scheme from the UK Government. In August 2020, the High Court in Northern Ireland found that the deputy First Minister had acted unlawfully in failing to designate a Department.⁴⁰ Consequently, the First Ministers then designated the NI Department of Justice to administer the scheme. However, the question of resources for the scheme remains outstanding. The NI Department of Justice has anticipated the scheme will be opened for applications by March 2021, but this is "subject to funding for the scheme being made available."⁴¹

Have discriminatory barriers to reintegrate demobilized persons been eliminated, as recommended by the Fresh Start Panel? (i.e. legislative and other discriminatory barriers that prevent former prisoners from having their full citizenship restored- such as access to employment opportunities, and restrictions on pensions and eligibility for home insurance or bank loans).

(See: A/HRC/34/62/Add.1 para 131)

1. The Fresh Start panel led to an NI Executive Action Plan in 2016 leading to a commitment that firstly the Fair Employment and Treatment Order 1998 (FETO) should be amended, and secondly that "employers' guidance should be implemented in respect of public sector recruitment and vetting."

³⁸ The present universal definition of victim is found in The Victims and Survivors (Northern Ireland) Order 2006, Article 3. <https://www.legislation.gov.uk/nisi/2006/2953/article/3> for discussion on proposed changes to the definition by the DUP and Ulster Human Rights Watch see the following written evidence from CAJ to a UK Parliamentary Committee:

<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/northern-ireland-affairs-committee/consultation-on-implementation-of-the-stormont-house-agreement/written/106404.html>

³⁹ <https://www.legislation.gov.uk/ukxi/2020/103/contents/made>

⁴⁰ <https://www.judiciaryni.uk/judicial-decisions/2020-niqb-57>

⁴¹ <https://www.justice-ni.gov.uk/victims-payment-scheme> [accessed 11 January 2021].

2. Employers' guidance has been progressed and advocates that "Employers should ignore any conflict-related conviction unless it is considered to be materially relevant to the post" that "conflict-related convictions will only be relevant in exceptional circumstances" and to be relevant the conviction must be "manifestly incompatible with the position in question".⁴²
3. However, the FETO legislation, which contains exemptions that can be harnessed to exclude persons with conflict-related convictions from protection has not yet been amended.⁴³ There are also other legislative and policy provisions, which constitute a barrier for ex-prisoners that have not yet been amended.⁴⁴

**Have all stakeholders re-engaged in adopting a bill of rights for Northern Ireland?
(See: A/HRC/34/62/Add.1 para 135)**

1. Under the NDNA Agreement, a special 'Ad Hoc' Committee of the NI Assembly has been established and is actively taking written and oral evidence.⁴⁵
2. The UK however continues to subject the NI Bill of Rights commitment to a pre-requisite – expressly not contained in the GFA – of political consensus between NI political parties as to its content. As was anticipated in the GFA there will not be such consensus over the Bill of Rights. This is why the GFA expressly deferred to an independent body – the NIHRC – to advise (as it did in 2008) as to the content of a Bill of Rights – and the UK Parliament to legislate on the matter.

**Have policy instruments been enacted to remove exclusionary barriers, reduce inequalities and minimize poverty? Such measures are essential for non-recurrence.
(See: A/HRC/34/62/Add.1 para 136)**

1. The UK-Ireland St Andrews Agreement 2006 placed a statutory duty on the NI Executive to adopt a high-level strategy to tackle poverty, social exclusion and patterns of deprivation based on objective need. The adoption of such a strategy was however blocked when devolution was restored and CAJ took a successful

⁴² <https://www.reviewpanel.org/support/employers/>

⁴³ FETO is anti-discrimination legislation that protects against discrimination on grounds of 'political opinion'. Whilst this in theory this should afford protection and remedy against a job refusal on the basis that the applicant is a republican or loyalist as a 'political opinion' the problematic provision is in s2(4) of FETO which states: "In this Order any reference to a person's political opinion does not include an opinion which consists of or includes approval or acceptance of the use of violence for political ends connected with the affairs of Northern Ireland, including the use of violence for the purpose of putting the public or any section of the public in fear'." It is this provision which has been successfully used to justify job refusals to ex-prisoners. As set out in the Review Panel Report "Article 2(4) means that those with conflict-related convictions are not, under FETO and other vetting and disbaring laws and procedures, protected from unlawful discrimination on grounds of religion and/or political opinion." 2nd Review Panel Report, May 2016, <https://www.reviewpanel.org/about-us/reports/> p6.

⁴⁴ As above Paragraph 8.3. "Rehabilitation of Offenders legislation permit exclusion, from employment, on the basis of opinion and/or conviction. Former conflict-related prisoners can and have been excluded from employment under both forms of legislation. In effect persons with conflict-related convictions cannot challenge this because of the exception in Article 2(4) FETO. Disbaring and vetting is also obtained via Counter Terrorist Check (CTC), Security Clearance Checks (SC) and Developed Vetting (DV)."

⁴⁵ <http://www.niassembly.gov.uk/assembly-business/committees/2017-2022/ad-hoc-committee-on-a-bill-of-rights/>

judicial review in 2015 that found the NI Executive had acted unlawfully by not adopting the anti-poverty strategy. Four of the five parties to the NI Executive (all bar the DUP) welcomed the judgment against the NI Executive. There was very limited progress in the Executive from 2016 where a DUP Communities Minister was responsible for the development of the strategy. During the collapse of the institutions from 2017-2020 there was no NI Executive to adopt the anti-poverty strategy and the duty lay dormant.

2. On the restoration of devolution in early 2020 saw the Communities Department being taken by a Sinn Féin Minister. Following some initial delay due to Covid-19 there has now been considerable progress on developing the strategy with an independent expert advisory panel established and a time bound process established for the development of the strategy and a number of equality strategies (on gender, disability and sexual orientation.)⁴⁶

Have any further laws, regulations, policies, administrative decisions or other measures affecting the promotion of truth, justice, reparation and guarantees of non-recurrence been implemented following the Special Rapporteur's visit?

Covert Human Intelligence Sources (Criminal Conduct) Bill

1. The UK Government introduced and rushed through the House of Commons of the UK Parliament in ten days (5-15 October 2020) the Covert Human Intelligence Sources (Criminal Conduct) Bill (CHIS Bill).⁴⁷
2. The CHIS Bill is in response to the 'Third Direction' litigation from CAJ and fellow NGOs PFC, Reprieve and Privacy International. The litigation that challenges the ECHR compatibility of present MI5 Guidelines to authorise criminal offences by informants.
3. The CHIS Bill would legislate to allow police, security and other bodies to authorise crimes by informants, and for such authorised criminal offences to be 'lawful for all purposes' not attracting civil or criminal liability. In essence, for the first time such crime is to be put beyond the reach of the rule of law entirely.⁴⁸ There are no express limits in the CHIS Bill as to which crimes can be authorised. Government has rejected amendments tabled by cross-party MPs to set limits preventing authorisation of offences that would constitute breaches of ECHR rights (killings, torture, sexual violence, kidnap, false imprisonment). Such limits have been placed on the bill by an amendment by the upper chamber, however the bill has now returned to the House of Commons and there is no indication the UK Government will change its position.
4. The CHIS Bill will unravel key non-recurrence peace process reforms. In particular, the CHIS Bill undermines the reforms that ensure the independence of

⁴⁶ <https://www.communities-ni.gov.uk/articles/social-inclusion-strategies>

⁴⁷ <https://services.parliament.uk/Bills/2019-21/coverthumanintelligencesourcescriminalconduct.html>

⁴⁸ For further information, see the joint briefing to Parliament by the Third Direction applicants. <https://caj.org.uk/2020/10/01/briefing-for-second-reading-of-the-covert-human-intelligence-sources-criminal-conduct-bill/>

prosecutorial decisions in NI, and the related giving of reasons for decisions not to prosecute in cases involving the security forces, or suspected security force collusion through informants in paramilitary groups. The CHIS Bill would preclude a prosecutorial decision being taken *at all* for crimes by informants that have been authorised by handlers, as the crime in question will no longer constitute a criminal offence that can be prosecuted. The CHIS Bill also expressly provides for authorisation for criminal offences to be committed outside of the UK, including in the jurisdiction of Ireland. Government to date has evaded answering questions as to whether the authorities of other countries will be informed when UK agencies ‘authorise’ criminal offences to be committed within their jurisdiction.

“Independent Review of Administrative Law”

5. The ability of citizens and NGOs to challenge unlawful practices of public authorities and failures to properly discharge statutory duties has been key to the progress of legacy cases in NI, including those in the present group of cases. Concerningly the UK Government has moved quickly to set up an ‘Independent Review of Administrative Law’, which has already launched a fast tracked public consultation process. The purpose of the review appears to be to seek to limit the powers of the judiciary to prevent unlawful practices by Government and other public authorities. The focus is on limiting the provisions for Judicial Review of decisions, with the Terms of Reference focusing on limiting such provisions and related matters such as Governments’ duty of candour to the Courts.⁴⁹

High level political attacks on lawyers

6. From the highest level of Government (the Prime Minister and Home Secretary), politically discriminatory attacks have been launched against the legal profession.⁵⁰ Such discourse risks creating a climate of hostility against the legal profession and undermining the rule of law. The case of Pat Finucane and the demonising political discourse that preceded his murder are a chilling reminder as to the dangers lawyers can face in such contexts. In this instance, the attacks have largely focused on lawyers upholding the rule of law in relation to immigration cases and have already been followed by a widely reported racist knife attack on a firm of lawyers in London where threats were made to kill a member of staff. A suspect has now been charged in relation to this attack.⁵¹ On 25 October a letter was issued signed by over 800 former UK judges, lawyers and legal academics raising concerns that the Prime Minister and Home Secretary had endangered “the personal safety of lawyers through their abusive attacks on the profession” had displayed “hostility” towards lawyers had undermined the rule of law and effectively risked the lives of those working in the justice system.⁵²

⁴⁹ For further information see CAJ’s submission to the Review: <https://caj.org.uk/2020/10/27/caj-response-to-the-independent-review-of-administrative-law-iral/>

⁵⁰ <https://www.theguardian.com/law/2020/oct/06/legal-profession-hits-back-at-boris-johnson-over-lefty-lawyers-speech>

⁵¹ <https://www.theguardian.com/uk-news/2020/oct/23/man-faces-terror-charge-over-alleged-attack-at-immigration-law-firm>

⁵² <https://www.theguardian.com/politics/2020/oct/25/lawyers-ask-johnson-and-patel-to-apologise-for-endangering-colleagues> “The signatories include three former justices of the UK supreme court, five retired appeal court judges, three former high court judges, the lawyer heads of four Oxford University colleges, more

Incorporation of the ECHR in domestic law

7. There have also been concerning relevant moves from the UK in relation to regressing the domestic incorporation of the ECHR. Whilst the October 2019 UK-EU Political Declaration affirmed a UK commitment to the ECHR as part of the Future Relationship with the EU, this commitment was quickly rolled back on.⁵³ The Overseas operations bill also expressly diminishes the incorporation of the ECHR in domestic law, in conflict with the GFA.⁵⁴

than 80 QCs, 69 law professors from leading English universities, the directors of Liberty and Justice, as well as hundreds of law firm partners, barristers and solicitors.”

⁵³ For a narrative on the ECHR and Brexit see: Lucy Moxham & Oliver Garner (Bingham Centre for the Rule of Law) ‘[Will the UK uphold its commitment to human rights?](#)’ LSE Blogs 30 June 2020

⁵⁴ <https://caj.org.uk/2020/09/22/written-evidence-from-the-model-bill-team-to-the-human-rights-joint-committee-on-the-overseas-operations-service-personnel-and-veterans-bill/>