

# AD HOC COMMITTEE TO PROTECT THE GOOD FRIDAY AGREEMENT

September 8, 2021

The Rt. Hon. Boris Johnson

Prime Minister

10 Downing Street,

London, Great Britain

Dear Prime Minister Johnson:

On February 5, 2019, we wrote to your predecessor, Theresa May, and announced the formation of “a national Ad Hoc Committee to protect the Good Friday Agreement.” Our letter received a respectful, substantive response. Ever since we have been engaged in productive dialogue with the current and former Secretaries of State for Northern Ireland and with representatives of the British Embassy in Washington. Concurrently, we have tapped the broad and deep expertise and experience of our members and engaged in frequent consultations with individuals representing the diversity of Northern Ireland to stay abreast of developments affecting the Good Friday Agreement.

We now are writing to you personally to express our dismay over the proposed “amnesty” legislation that you are preparing to present to the Parliament at Westminster. Much of the Committee’s focus has been on issues of legacy and reconciliation in Northern Ireland, and we were heartened in January 2020 when the New Decade, New Approaches agreement (NDNA) included a commitment by your government to implement the Stormont House Agreement on legacy issues. But that commitment has not been fulfilled. Instead, this latest proposal wipes away the commitment entirely in one unilateral stroke.

Over the last month the Ad Hoc Committee has carefully considered your amnesty proposal for Northern Ireland. We have consulted widely. We have met with key human rights and legal experts in Northern Ireland, met with victims and survivors who will be directly impacted by this legislation through the good offices

of the CVSNI, and asked our own team of legal and human rights experts to review the proposal.

We find this proposal to be at odds with both the spirit and architecture of the Good Friday Agreement. It would abrogate the hard-won compromise regarding legacy issues in the NDNA and appears to us to represent a significant breach of several international human rights agreements to which the UK is a party. Equally important, the cross-community opposition to the current proposal in Northern Ireland should be enough to signal that this points not to reconciliation, but instead to continuing division there.

Painful as it is, enduring reconciliation is dependent on accountability and transparency with respect to all participants in Troubles-related violence. There is no shortcut, and the GFA does not countenance one. It is tragic that so many years have been wasted with obfuscation and legal wrangling, but that does not justify abandoning the commitments made by the UK government to see the process through.

The right path is to put victims and survivors at the center of the process. If the passages of time and legal challenges are obstacles, work with them to make necessary changes. Only through them is there a route to reconciliation. Changes should be made with a keen awareness of long-term impact in Northern Ireland and on global human rights standards. Given the growing doubts about both, now is not the time to be hasty and rush this legislation through the Parliament.

Specifically, the proposed statute of limitations appears to violate several agreements concerning Northern Ireland, including the GFA, the Stormont House Agreement, the Weston Park Agreement, and the NDNA. Any blanket statute of limitations for acts prior to 1998 is inconsistent with the GFA. This instrument consists of two agreements: 1) a Multi-Party Agreement among seven of Northern Ireland's political parties, and 2) an international agreement between the UK and Irish governments to facilitate the Multi-Party Agreement. The UK/Irish Agreement annexes the Multi-Party Agreement, making the latter's provisions also binding on both states under international law.

While the GFA does not impose specific obligations with respect to legacy, it does mandate that both state parties observe and implement the European Convention on Human Rights. Toward this end, both governments are required to incorporate the European Convention into domestic law. The UK in particular

must provide for “direct access to the courts, and remedies for breach of the Convention.” The UK addressed these duties domestically with the Human Rights Act of 1998. As a matter of international law, the UK has a double obligation to adhere to the European Convention, first as a party to that treaty, and second, through the GFA. Central to those protections under the European Convention is the right to life, set out in Article 2.

We have spent many years working to support the peace process with a special focus on legacy and reconciliation. We do not take sides when it comes to confronting injustice. We recognize that great wrongs were committed by all the combatants in the Troubles, including the IRA and Loyalist paramilitaries.

We recognize the daunting complexity of addressing legacy issues in Northern Ireland. But sweeping them under the rug is not the path to closure and reconciliation.

The recent vindication of the Ballymurphy families, fifty years after the deaths of their loved ones, reflects the tenacity of the surviving families and their determination to unearth the facts and to see justice done where possible. Over 1,000 civil cases in Northern Ireland that seek justice and resolution are presently pending in the High Court in Belfast, together with many other cases in London. All these cases will be abrogated if this proposed amnesty becomes law.

We have strong reason to believe that this proposal will not be met with approval in Washington by either Congress or the Biden Administration. It will be a further source of disagreement with U.S. political leaders who have already raised serious concerns about your government’s recent approach to implementation of the Northern Ireland Protocol.

There is the likelihood of international repercussion as well. U.N. human rights experts have already raised red flags. It would be unfortunate if this divisive proposal were still an issue of contention with respect to global human rights when President Biden convenes his Summit on Democracies this December. <https://www.state.gov/summit-for-democracy/>

We urge you to withdraw the current proposal, to remain true to the commitments and spirit reflected in the GFA and to build on the compromises reached in the Stormont House Agreement and NDNA. We believe that is the only viable approach to the foundational and irrevocably linked issues of legacy and reconciliation.

Sincerely,

Congressman James Walsh

Co-Chair of the Ad Hoc Committee

Congressman Bruce Morrison

Co-Chair of the Ad Hoc Committee

c.c. An Taoiseach Micheal Martin, T.D.

Fionnuala D. Ní Aoláin, UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms

Anthony Blinken, United States Secretary of State

Uzra Zeya, Under Secretary for Civilian Security, Democracy & Human Rights

Jake Sullivan, National Security Advisor to the President of the United States

U.S. Senator Robert Menendez, Chair, U.S. Senate Foreign Relations Committee

U.S. Senator Jeanne Shaheen, Chair of the U.S. Senate Foreign Relations Subcommittee on Democracy and Humans Rights

Congressman Gregory Meeks, Chair, House Committee on Foreign Relations

Congresswoman Karen Bass, Chair, Subcommittee on Africa, Global Health and Global Human Rights

Congressman Bill Keating, Chair, Subcommittee on Europe, Energy, the Environment & Cyber

Dame Karen Pierce, British Ambassador to the United States