



19 November 2020

Mr Simon Hoare MP
Chair, Northern Ireland Affairs Committee
House of Commons
Westminster

Dear Chair

I am writing to you in the context of the recent Interim Report of the Committee on “Addressing the legacy of Northern Ireland's past: The Government's new proposals”.

The Irish Government believes these issues to be of the deepest importance and welcomes this significant contribution by the Committee to the discussion. The Government has been unambiguous in its approach to the proposals set out in the Written Ministerial Statement of 18 March. The position of the Irish Government is clear. The Stormont House Agreement framework is the way forward on these issues. It was agreed by both Governments and the political parties after intensive negotiations, and it must be implemented.

Where the UK Government are proposing significant changes to that framework, these must be discussed and agreed by both Governments and the parties to the Northern Ireland Executive. The need for agreement by both Governments to any changes of approach applies importantly and specifically to the legislation that would implement the Independent Commission on Information Retrieval on foot of the Treaty between our two Governments signed in 2015. Any approach has to be coherent across both jurisdictions. Only through a collective approach can we hope to deal with these issues comprehensively and fairly, and in a way that responds to the needs of victims and survivors, and society as a whole.

In terms of the issues that have been raised regarding the treatment of British military veterans, the position of the Irish Government is again clear. There should be effective investigations into all Troubles-related deaths, regardless of the perpetrator. We would not support a proposal to introduce any special measure or treatment, regarding investigation of state or non-state actors in Northern Ireland. The rule of law and the

protections afforded by the European Convention on Human Rights must apply equally to everyone and must be upheld, and this principle is at the core of the Stormont House framework. Victims and survivors have had to wait for far too long for a suitable and effective system in Northern Ireland to deal with the legacy of the Troubles.

In relation to the statement in the Committee's Interim Report that the Irish Government will have a role to play in parts of a new legacy process, this is absolutely the case and provided for in detail in the Stormont House Agreement. I would like to take this opportunity also to address the contention referenced in the Interim Report that the Government of Ireland has not been committed to a collaborative approach on dealing with legacy cases.

The Government's full participation in the negotiations leading to the Stormont House Agreement and our full and sustained support for its implementation demonstrate our commitment to a collaborative approach on these matters. The Programme for Government agreed this year by the incoming Coalition Government in Ireland reaffirmed this commitment and stated clearly that:

“We are committed to working with the UK Government and the political parties in Northern Ireland to address the painful legacy of the Troubles. We will do this, as agreed through the implementation of the Stormont House Agreement framework, in order to support wider societal reconciliation, build greater community confidence in policing, and meet the legitimate needs of victims and survivors in Northern Ireland and across the island of Ireland.”

This commitment to a collaborative approach was further demonstrated by the enactment of the Criminal Justice (International Co-operation) Act 2019 which established an effective mechanism to permit Coroners in Northern Ireland to access testimony from members of An Garda Síochána. This Act enhanced the co-operation that is being provided to ongoing Coroners' Inquests in Northern Ireland into historical deaths and it further underpinned the Government's commitment to full co-operation with the framework of institutions set out in the Stormont House Agreement.

I want to assure the Committee that An Garda Síochána will continue to co-operate with the Police Service of Northern Ireland in respect of all relevant criminal investigations, whether contemporary or historical, in accordance with the arrangements in place. There is ongoing co-operation with Coroners' legacy inquests in Northern Ireland, with the investigations under Operation Kenova and with the Police Ombudsman of Northern Ireland in respect of historical investigations.

I would further assure the Committee that, with regard to unresolved, troubles-related criminal investigations in our jurisdiction, the Garda Authorities will fully pursue any new evidence or information that comes to light with a view to bringing the perpetrators of crimes to justice. There are also regular reviews of cases where it is considered there may be grounds to advance those investigations.

In conclusion, it is a matter of deep concern to the Irish Government that the detailed, comprehensive, balanced framework for addressing the legacy of the past agreed in Stormont House in 2014 has not been implemented six years later. The Irish Government remains ready, as always, to engage and work with the UK Government and the parties to the Northern Ireland Executive in partnership on this very important issue in the period ahead.

I hope the foregoing is of assistance to the Committee in its ongoing deliberations.

Yours sincerely



Adrian O'Neill
Ambassador