

**WRITTEN EVIDENCE SUBMITTED BY THE NORTHERN IRELAND VETERANS  
COMMISSIONER  
(NITB0020)**

**1. INTRODUCTION**

1.1 The Northern Ireland Troubles Bill 2025 remains at the heart of intense controversy and debate. At its core, the Troubles Bill encapsulates the evolving interplay between the UK Government's use of force, domestic law, military law, and international human rights conventions.

1.2 Northern Ireland continues to be a post-conflict society, struggling to ensure legal accountability for past atrocities while avoiding renewed division and unrest. There is a tension between justice and reconciliation, security, and human rights protections, which is still being grappled with twenty-eight years on from the Belfast Agreement. The Bill aims to address legacy through a reformed legacy commission and a proposed new information recovery body and will also lead to the reopening of legacy inquests and civil cases.

1.3 Ultimately, this Bill, and its implementation, will be judged on its ability to deliver truth and reconciliation without sacrificing the rule of law, security, or the dignity of those who served. It is the view of the Op Banner veteran community that this legislation will fail to deliver its aims and a significant factor for this is its attempt to retrospectively apply human rights conventions to a complex, complicated, and evolving 35 years of conflict.

**2. VETERANS AND ARMED FORCES CONCERNS**

2.1 The feeling among many veterans is one of being forgotten by the very UK Government they served during the terrorist campaign in Northern Ireland. Indeed, many would even go as far to say that they feel that they have been betrayed. The current UK Government made manifesto commitments that Op Banner veterans would argue are to their detriment. Since the legislation was introduced, and the remedial order which passed the Commons in January 2026, opposition from veterans and the armed forces community has intensified to unprecedented levels. Veterans organisations, Regimental Associations, the Special Forces Community, Royal British Legion and the three Veterans Commissioners (representing Scotland, Wales, and Northern Ireland) have all expressed grave concern about the Bill. It is imperative that these genuine anxieties must not be ignored.

2.2 Indeed, nine retired four-star generals publicly warned that current human rights legal frameworks imposed by the Bill risk "paralyzing decision-making and morale" within the British Army and represent an "existential threat" to operational effectiveness. Being subject to what is framed as 'lawfare' causes deep unease in the military, and the wider veteran

community, with recent court cases in Northern Ireland having reinforced that very real fear.

2.3 There is, however, a short window of opportunity for the UK Government to demonstrate that it respects those veterans who put their life on the line (or paid the ultimate sacrifice) to defend democracy and freedom in Northern Ireland. It must acknowledge the complexity of what soldiers were ordered to do and that this cannot possibly be viewed exclusively through a human rights lens. It is therefore imperative that appropriate amendments are made to the Bill to address the real and legitimate concerns that veterans have.

### **3. HUMAN RIGHTS TENSIONS**

3.1 The Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 and subsequent Troubles Bill (2025) (and remedial legislation) both aim to address conflict-era deaths.

3.2 The Legacy Act 2023, which introduced a conditional immunity scheme for Troubles related offences, was found to be incompatible with Article 2 (right to life) and Article 6 (right to a fair trial) European Convention on Human Rights (ECHR) by the Belfast High Court in February 2024. Disappointingly for veterans, this decision was never challenged to provide legal clarity. It must be pointed out that the Legacy Act 2023 was a sovereign Act of Parliament, so while the February 2024 decision established incompatibility with the ECHR obligations, it did not render the Act unlawful. This distinction matters.

3.3 The current UK Government introduced a new Northern Ireland Troubles Bill in October 2025 to officially repeal and replace the 2023 Act, promising a more transparent system that aligns with the Joint Framework agreed with the Irish Government, aiming to ensure Article 2 compliance and address perceived failings of the previous Act. The Dillon case, now before the Supreme Court, directly addresses the key questions about the legality of the 2023 Act and judgement is pending. Parliament is therefore being asked to legislate while the legal position remains unsettled.

### **4. KEY PERCEIVED CONFLICTS WITH ECHR AND LEGACY**

**4.1 Conditional Immunity Scheme:** The core of the 2023 Act, the conditional amnesty (Section 19), was deemed a breach of human rights because it failed to provide an "effective investigation" into unlawful killings, a requirement under Article 2 ECHR. The 2025 Remedial Order aims to remove the provisions relating to conditional immunity for Troubles-related offences, aligning with the High Court ruling.

**4.2 Termination of Coroners Inquests:** The 2023 Act brought an end to inquests that had not reached an advanced stage by 1 May 2024, halting legal investigations into deaths, was

deemed a breach of Article 2 ECHR procedural obligations. The new legislation restarts up to nine Coroner's inquests and a further twenty-four will be 'sifted' by the Solicitor General, to determine whether they end up in the coronial system or move into the Legacy Commission.

**4.3 Restriction on Civil Actions:** The prohibition on new civil claims were found to be incompatible with Article 6 (right to a fair trial). The proposed changes remove the ban on new civil actions.

**4.4 Inadequate Investigation Mechanisms:** Critics argued that the Independent Commission for Reconciliation and Information Recovery (ICRIR), which replaced traditional criminal investigations, focused on "reviews" rather than "criminal investigations," which did not meet the rigorous standards required by Article 2 ECHR. The Troubles Bill aims to ensure a revised Legacy Commission is fully human rights compliant by implementing new governance structures and independent oversight arrangements.

## **5. PROTECTIONS FOR VETERANS**

5.1 The new legislation claims to provide safeguards for military veterans against "lawfare". While welcome that some of these measures will be added in law, it is the view of veterans that they have been mis-sold by the UK Government as veteran protections, when, in reality they are witness protections. What these so-called protections fail to do is address the human rights of soldiers in the legacy process, their right to freedom from ongoing and prolonged litigation, thus ensuring no peace in the twilight years of life, having followed orders and risked their very lives for the relative peace that Northern Ireland now enjoys. It is important to note that the Overseas Operations (Service Personnel and Veterans) Act 2021 limits liability for military personnel who served outside the UK, requiring compelling new evidence for a prosecution.

5.2 The SAS Regimental Association advocates invoking Article 15 of the ECHR, which allows for the derogation from Article 2 (right to life) during wartime or public emergency. This would not grant immunity as the Laws of Armed Conflict would apply but would recognise the fundamental difference between military operations and civilian law enforcement. This is in fact the heart of the legacy debate. What were the NI Troubles and what was the relationship between the State and those it sent to use force on its behalf? Was it a war, was it a conflict, was it an insurgency, was it a violent insurrection or was it no more than public order breaches? The answer to this question, one that successive UK Governments have avoided answering, fundamentally determines how soldiers are treated during an investigative process.

## **6. COAGH INQUEST – PROOF OF THE RISK TO VETERANS**

6.1 One of the key drivers behind the Legacy Act 2023, was to stop the cycle of repeated inquests and prosecutions of the Armed Forces and Police Services. Veteran Denis Hutchings endured approximately 10 years of a legal process before passing away mid-trial. The Soldier F trial in Autumn 2025, along with similar cases, has left veterans feeling that the legacy process is imbalanced and unfair. In 1998 the independent judicial system in Northern Ireland was corrupted to allow terrorists to walk free from prison before completing their due sentences and in the years that followed, private deals were done with the then Labour Government to provide Royal Prerogatives of Mercy to key members of paramilitary groups. However, veterans, including former SAS soldiers, are being repeatedly engaged in legal scrutiny as the process of continuous, and some would say, 'vexatious' cases are brought.

6.2 The recent Coagh Inquest at the Appeal court in Belfast provides proof to the committee of the real risk the Trouble Bill presents to veterans and demonstrates why there is such opposition to it. In 1991 the SAS engaged 3 IRA terrorists in Coagh, Co Tyrone, as they were about to carry out an act of murder. In 2004, Judge Humphries carried out an Article 2 compliant inquest and ruled the killings were 'justified'. The families of the dead terrorists appealed that decision and in October 2025 Judge McAlinden upheld the decision of justified killing and stated it was '*ludicrous*' that an appeal was brought and questioned how legal aid should be allowed for these cases. Earlier this month, the family of one of the dead terrorists sought leave to have a Judicial Review. The Lady Chief Justice ruled that the previous two cases had been Article 2 compliant, that the arguments brought '*were not the purpose of Judicial Reviews*' and that this was not '*an effective use of public funds*'.

6.3 What the committee should consider is that Soldier B for the last 3 years has been left with the uncertainty of court cases that never should have been brought. The process becomes the persecution, and it is indisputable that many of these cases are the very definition of vexatious. The Troubles Bill will open the door to more similar cases if inquests restart in the coronal route rather than the ICIR/ Legacy Commission. This will never be acceptable to veterans.

## **7. KEY QUESTIONS ON ECHR AND THE TROUBLES**

- Given the irrational retrospective application of the ECHR, this only facilitates and encourages 'lawfare' and 'vexatious' prosecutions with a result of dividing communities more rather than reconciling them?
- Given the post Belfast Agreement prisoner releases and subsequent private deals done with terrorist organisations, specifically round the agreed destruction of evidence during decommissioning, is it not the case that, with only a few exceptions,

it will be state-actors under investigation?

- Given the passage of time, can further investigations be effective? e.g. Soldier F trial in Autumn 2025.
- Given the context of the times, particularly in the 1970s and 1980s, with hundreds of deaths, shootings and bombings each year, should there not be more regard given to the investigations and examination of incidents that took place at the time?
- Given the high likelihood of effective investigations and the diminishing possibility of prosecutions, how can the estimated £2billion cost of legacy be proportionate and justifiable?
- Given that the outcome of the intervention by the NI Veterans Movement in the Dillon Case, could prove significant, thus affecting the core of the Troubles Bill 2025, why did the Government not wait until this ruling was made?

## **8. CONCLUSION**

8.1 The retrospective application and over interpretation of ECHR has the potential for destroying reputations without fair procedures. Soldiers who followed lawful orders are being dragged back to court under the guise of ECHR when no new or compelling evidence being presented. This is not acceptable to veterans.



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