**Rights and Security International**

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**London, United Kingdom**

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**Briefing on the impact of the Overseas Operations (Service Personnel and Veterans) Bill 2019-2021 on the Belfast (Good Friday) Agreement 1998**

1. Rights and Security International (‘RSI’) is concerned that the implementation of the Overseas Operations Bill (‘the bill’) will undermine the Belfast (‘Good Friday’) Agreement 1998 between the UK and Ireland. The Good Friday Agreement is central to the ongoing peace process in Northern Ireland.
2. The Good Friday Agreement provides that ‘[t]he British Government will complete incorporation into Northern Ireland law of the European Convention on Human Rights (ECHR), with direct access to the courts, and remedies for breach of the Convention…’. As currently drafted, the bill risks undermining this provision in a number of ways.
3. First, Part 1 of the bill introduces a presumption against prosecution for crimes committed by UK service personnel during overseas military operations from five years after the alleged offence took place. This extends to criminal offences which are also considered violations of the ECHR, such as torture (article 3 ECHR). Under the ECHR, there is a procedural obligation to investigate, prosecute and punish acts of torture. The Good Friday Agreement requires that this procedural obligation be incorporated in the law of Northern Ireland. Thus, the bill, as currently drafted, undermines the Good Friday Agreement by making it harder – and in some cases impossible – for breaches of the convention to be prosecuted.
4. Second, Part 2 of the bill imposes an absolute six-year longstop on civil claims (i.e. claims for wrongful death or personal injury) and claims under the Human Rights Act 1998 (‘HRA’), which incorporates the ECHR into the domestic law of the UK. This means that beyond the six-year mark no one may bring a claim alleging person injury, wrongful death, or a breach of the HRA arising out of an overseas military operation before UK courts. As well as undermining the ECHR’s procedural obligations to investigate, prosecute and punish breaches of the Convention, this directly undermines the Good Friday Agreement’s requirement that the UK ensure direct access to the courts, and remedies for breaches of the Convention.

**RSI encloses two proposed amendments intended to remedy the shortcomings in the bill discussed above.**

*To discuss this further, please contact Emily Ramsden, RSI’s Legal and Policy Officer at* *eramsden@rightsandsecurity.org**.*

**Background on Rights and Security International**

Rights and Security International (RSI) is a London-based NGO with over 30 years of experience ensuring that measures taken in the name of national security are implemented in a manner compliant with international law, including human rights law, and the rule of law. RSI’s work initially focused on national security in Northern Ireland (as British Irish Rights Watch), before expanding its mandate to reviewing the whole of the UK (as Rights Watch (UK)), and now internationally. RSI has been closely involved in monitoring the Government’s involvement in overseas military operations, seeking to ensure that these measures are compliant with human rights standards and international law.